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INTRODUCTION

The Kashmir dispute continues to embitter relations between India and Pakistan and endanger the peace in a strategic area of the Free World. It has often been described as an 'Asian powder-keg'.

Is the Kashmir problem insoluble? If not, why has there been a deadlock over this explosive issue for the last 12 years and who is responsible for it?

One who is not fully conversant with the details of this dispute will be astounded to know that an agreed solution has been there for the last 11 years. The agreed solution is that the people of the State of Jammu and Kashmir should be allowed to decide through a free and impartial plebiscite whether their State should accede to India or Pakistan.

This agreement is contained in the United Nations Commission for Indian and Pakistan's resolutions of August 13, 1948, and January 5, 1949, which were accepted by both India and Pakistan and endorsed by the Security Council.

Taken together, the above mentioned resolutions provide for:

(i) The issue of a cease-fire order in the State of Jammu and Kashmir and the demarcation of a cease-fire line;

(ii) The demilitarization of the State of Jammu and Kashmir; and

(iii) A free and impartial plebiscite under the auspices of the United Nations to determine the question of the accession of the State of Jammu and Kashmir to India or Pakistan.

The Governments of India and Pakistan agreed to order a cease-fire which became effective on January 1, 1949. On July 27, 1949, an agreement on the demarcation of a cease-fire line was reached between the military representatives of India and Pakistan which was later ratified by both the Governments.

The United Nations Commission for India and Pakistan, however, failed to evolve an agreed programme of demilitarization of the State as

India created difficulties and made unwarranted demands. Since then a number of proposals have been made to effect the demilitarization of the State. All of these proposals, without exception, have been accepted by the Government of Pakistan, and everyone of them, again without exception, has been rejected by the Indian Government. What has held up the plebiscite so far is India's persistent refusal to demilitarize the State.

The reason for this intransigent attitude of India is not far to seek. She had occupied a part of this State in 1947 against the wishes of an overwhelming majority of her population, over 77 per cent being Muslims, who wanted to join their State to Pakistan on the basis of the Partition plan of British India. That basis was that Pakistan would be constituted by the contiguous Muslim majority areas in the North-West and the North-East of the Indo-Pakistan sub-continent and India would consist of contiguous non-Muslim-majority areas. The Jammu and Kashmir State territory was contiguous to Pakistan. Political, economic, strategic, cultural, geographic and all other considerations made her accession to Pakistan a natural corollary.

The people, therefore, continued their struggle to liberate themselves from the Indian yoke even after the cessation of hostilities on January 1, 1949. The fight is being carried on even today. India and her puppet Government in Occupied Kashmir try to ruthlessly suppress the freedom-fighters with the help of over 100,000 Indian troops detailed in the territory, the State Militia, the local Police, the Central Reserve Police from India and a body called the Peace Brigade which in reality consists of hired hooligans. In spite of this, the patriots continue to demand their right of self-determination.

From her experience of 12 years' rule over Indian-held Kashmir, India knows it fully well that the people there are against Indian occupation, that they are being kept under subjugation only with the help of the Indian bayonets and the moment her troops are withdrawn or reduced, the people of Kashmir, who have clearly indicated their hostility to India even in the presence of the Indian troops, will rise as one man and express themselves in favour of accession of the State to Pakistan.

With this background, it is no wonder that Indian-held Kashmir today is a Police State where a reign of terror has been let loose by the Indian imposed Government of Bakhshi Ghulam Mohammad, on those who dare demand their right of self-determination and the holding of a plebiscite in order to decide the question of the accession of the State to India or Pakistan.

The life of the Bakhshi regime depends on how best it can employ force to hold down its political adversaries. The methods unabashedly employed by it are to talitarian in concept.

Holding of meetings and taking out of processions by the Opposition parties are generally banned. If they are successful in arranging a meeting or a procession, the "Peace Brigade" breaks it up by force.

Scores of political workers who do not see eye to eye with the ruling party on the question of accession are persecuted and tortured every day.

Almost all important Opposition leaders and prominent workers have been put behind prison bars where they are physically and mentally tortured. Quite a few of them have been implicated in cooked-up cases and stage-managed trials are being held to make the outside world believe that they had actually committed some crime against the State for which they are being prosecuted.

Sheikh Mohammad Abdullah, who was the "Prime Minister" of Indian-held Kashmir from March 5, 1948 till August 9, 1953, when he was dismissed from that office and clamped in jail for disagreeing with his erstwhile friend, Pandit Jawaharlal Nehru, the Indian Prime Minister, on the all important question of accession, is one of those facing such a trial. He was released on January 8, 1958, but was re-arrested on April 30, 1958, for his forceful espousal of the right of self-determination, and later falsely involved in a case by the Bakhshi "Government" which Sheikh Mohammad Abdullah, in a speech at Anantnag on January 12, 1958, as published in the STATESMAN, Delhi, dated January 14, 1958, had described as the Government of "goondas*, opportunists and thieves".

Many political leaders have been exiled while others have been pushed across the border into Azad (Free) Kashmir**.

Even Indian political leaders who dare criticize the suppression and repression of the Bakhshi regime are themselves made the target of its high-handedness if they happen to visit Occupied Kashmir. They are harassed, assaulted and man-handled. Members of the Indian Parliament like Mr. Asoka Mehta have also suffered this fate. Complaints in this behalf to Indian-held Kashmir and Indian authorities were of no avail.

Impartial foreign observers of high status are not permitted to move about freely and obtain first-hand impression from public opinion. The list of distinguished visitors who were thus treated includes the names of two Members of the British Parliament—Mr. F. M. Bennett and Mr. F. Tomney.

It is claimed by the Indian publicists that democratic institutions like Legislative Assembly are functioning in Indian-held Kashmir. To give them a semblance of representative bodies, the farce of holding stage-managed elections under an atmosphere of coercion and partiality has been enacted. Even before the 'elections' actually took place a majority of the members had been "selected unopposed". Those of the freedom-fighters, who were

*hooligans.

**Territory of the State of Jammu and Kashmir on the Pakistani side of the Cease-fire line.

outside the prison-doors naturally had no alternative but to dissociate themselves from the 'elections'. These so-called representative bodies, therefore, consist almost wholly of pro-Indian people. Even in such hand-picked bodies criticism of the misdeeds of the Bakhshi regime is not tolerated and the persons making the criticism are mal-treated.

Favourtism, nepotism and corruption are rampant.

Promotions and punishments of Government servants are motivated by party considerations.

Employment or contracts are given to relatives or friends and acquaintances of the members of the ruling National Conference.

Economically, the people are in a sad plight. They have been impoverished as never before.

The prices of foodgrains and other essential commodities are sky-rocketing and beyond the reach of persons of average means. The position has been further worsened due to widespread unemployment.

Freedom of the Press is non-existent. Papers critical of the Bakhshi regime and the Indian Government have been banned. The existing papers which venture to strike a discordant note on any issue are put on the 'black list' and deprived of advertisements and other facilities.

Impartial foreign correspondents are usually not permitted to visit Indian-held Kashmir and if at all they are, the cannot move about freely and find out for themselves the public opinion. Some of them also had to face the unpleasant and unusual experience of being attacked and assaulted at the instance of the Administration or ordered to leave the territory at short notice.

In this pamphlet can be found some revealing details of conditions in Indian-Occupied Kashmir.

Almost the entire material included in it has been taken from Indian sources and sources other than those of Pakistan, which have been indicated in each case.

It may be pointed out that among others, the All-Jammu and Kashmir Plebiscite Front and the Kashmir Political Conference in Indian-held Kashmir, and the Kashmir Democratic Union and the End Kashmir Dispute Committee with their headquarters in the Indian capital—Delhi—are agitating against the despotic rule of the Bakhshi regime and for holding of an early free and impartial plebiscite. These organizations have through numerous resolutions, memoranda, letters, statements, etc., described the shocking conditions prevalent in Indian-held Kashmir. The Kashmir Democratic National Conference, the Jammu and Kashmir Praja Parishad and the Praja Socialist Party who are pro-India on the question of accession, also criticize and condemn the suppression and repression of the Bakhshi regime.

It will not be out of place to mention here that very little matter

emanating from parties like the Plebiscite Front and the Kashmir Political Conference, which advocate holding of a free and impartial plebiscite for the solution of the Kashmir dispute, finds it way into the Indian Press. Pro-Pakistan stories and items which reflect on deplorable conditions in Indian-held Kashmir are almost invariably blackedout. Conditions in Occupied Kashmir are, no doubt, far worse than the toned down reports published in the Indian Press and publications. However, even these can give an insight to an impartial reader as to how the executive, the legislature, the judiciary and other organs are functioning in Occupied Kashmir.

Some letters written by Sheikh Mohammad Abdullah and Miss Mridula Sarabhai, a distinguished Indian social worker, in which terrible conditions prevalent in Indian-held Kashmir have been depicted in detail, have already received wide publicity and have even been mentioned in the Security Council proceedings. In view of this, they are not being included in this publication.

The contents of this publication will show that the Law of the Jungle prevails in Indian-held Kashmir where the lights of civil liberties and fundamental rights have been almost completely extinguished.

The brave people have, however, not taken this lying down. In spite of the atrocities and barbarities committed on them, they continue to struggle against their present rulers and their policies. They would long ago have overthrown the Bakhshi regime had the Indian troops, 100,000 strong, not been there to shield it. This is the reason why India, under no circumstances, is prepared to demilitarize the State as envisaged in the international agreement to which she is a party.

Sir Owen Dixon, United Nations Representative for India and Pakistan, had correctly assessed this position nine years back. He, in his report, presented to the then President of the Security Council on September 15, 1950, had said: "In the end I became convinced that India's agreement would never be obtained to demilitarization in any such form, or to provisions governing the period of the plebiscite of any such character as would in my opinion permit of the plebiscite being conducted in conditions sufficiently guarding against intimidation and other forms of influence and abuse by which the freedom and fairness of the plebiscite might be imperilled."

This position holds good today.

The question is whether India will continue to be indirectly helped by the United Nations by lack of appropriate and effective action for the solution of the Kashmir Dispute or whether the world organization like a body of honourable people will call a halt to the Indian intransigence and prevail upon her to fulfil her international commitment and agree to the grant of the right of self-determination to the four million people of the State of Jammu and Kashmir.

CHAPTER I

A REPORT

The Kashmir Democratic Union, in November 1954, brought out a paper named VOICE OF KASHMIR from Delhi under the editorship of its President, Pandit Prem Nath Bazaz. Pandit Bazaz, incidentally, belongs to the same stock of the Kashmiri Pandits to which Pandit Jawaharlal Nehru, Prime Minister of India, belongs. He is passing his days in exile in the Indian capital Delhi from the State of Jammu and Kashmir after remaining there in detention for three years for advocating the State's accession to Pakistan.

The first issue of the VOICE OF KASHMIR contained a very illuminating report by Sheikh Habib Ullah Bhatt on conditions in Indian-held Kashmir. Some extracts from the report are given below:

"The Working Committee of the Kashmir Democratic Union instructed me to proceed to Srinagar and tour the Kashmir Valley to obtain first-hand information about the situation in the country at present and on return submit a report to the Party. Accordingly, I felt Delhi on the 5th of September and reached Srinagar late in the evening on the 7th. I remained in the city for three days and then toured every part of the Valley for twenty days. I met political and social workers of all parties and shades of opinion; I talked with the ordinary people on all walks of life; I had discussions with non-political but influential men in the towns as well as in the country-side; I contacted businessmen and traders, shopkeepers and houseboat owners, students and professors, journalists, lawyers and other intellectuals.

"Finally I returned to Delhi on 29th of September halting at Jammu for a couple of days to ascertain conditions in that province and meet as

many public men there as possible.

"Here I give noly some brief impressions of what I have been able to infer on the basis of my observations of different aspects of life in the State.

"The first and the foremost thing that strikes any one intent to know the real situation in Kashmir is the inhuman suppression under which, at present, people are labouring in this beautiful land. Generally, I met people when they were alone and after having put them at their ease. But invariably I was repeatedly requested not to divulge their identity even when they did not say anything beyond what was published in the Indian Press and what was even admitted by the Government spokesmen themselves. It were not only the opponents of the Government who felt the need of cautioning me thus; even those who did not take any part in public affairs and were well-known for being unpolitical warned me not to mention their names when they were just expressing sorrow at the deteriorated economic and social conditions of the motherland. Obviously, a general demoralization has set in in the Valley. It is rarely that one meets with a man brave enough to express opinions independently. Be it a professor or a lawyer, a journalist or a man in the street no one dare pass free judgment on the doings of the authorities or the policy of the Government. I had not noticed such demoralization last year when I visited the Valley in April, 1953. When I tried to find out the cause for this deplorable change I was told that due to prolongation of the stalemate in the accession tussle and helplessness of U.N. to get it settled people have become despondent and resigned to the will of Providence. They seem to think that there can be no possibility of an early settlement of the issue and so long as the Indian Armies are in occupation it is foolish to believe that the Nationalist Government can be thrown out.

Underground Workers

"In such circumstances it is really heroic that a group of patriots is bravely carrying on the fight for freedom. Most of them are working underground, their main task being to issue posters which are like wall papers giving news of freedom struggle and outspoken comments on latest events. Invariably the posters also contain instructions to the people as to what they should do to defend themselves against the suppressive policy of the Nationalist Government. Occasionally, demonstrations on a small scale are held to protest and to enthuse the still active workers or to raise the dropping spirits of the demoralized people. The Government is very keen to get hold of the underground workers and now and then some one or other is arrested, beaten and sent to prison. Such incidents have become

common in present-day Kashmir and, therefore, they no more provoke anger or surprise; much less do they raise a storm as before 1947 when strong protests were made for manhandling a political prisoner. But despite tremendous efforts of the Intelligence Department the backbone of the movement has not been crushed and the basis continues to be firm, strong and stable."

* * * *

"Being occupied with their mutual bickerings and quarrels the members of the Government and other Nationalist leaders now occupying high positions in the administration, can hardly afford time to look into the economic and social conditions of the people. The country has been impoverished as never before. But for the huge amounts given by the Government of India as subsidy there would have been wide-spread riots of hungry and naked people. One cannot image how money is being distributed right and left to silence complaining mouths."

* * * *

Impoverished People

"There has never been such unemployment in the Valley as today. Educated and uneducated are alike without work. The Government sponsored schemes absorb only a tiny number of people, mostly relatives, acquaintances and friends of the Nationalists. The people in general are without any employment. I saw and talked with hundreds of impoverished, pauperised and famished but able-bodied men thronging the streets of Srinagar and other big towns as beggars. I saw homes and hamlets deserted in the country-side because people did not get work and food and clothing. Nowhere in India or Pakistan you can get a servant so cheap as in Kashmir. I have met young men who are prepared to serve you on merely giving them food and clothing."

* * * *

"Kashmir presents a very bleak picture today. What can the unarmed, poor and victimized people do to liberate themselves. Unless the world conscience is stirred to come to the help of the innocent and helpless masses of this beautiful land, the long days of squalor, tyranny and suppression are destined to grow longer."

CHAPTER II

REIGN OF TERROR

A memorandum against the reign of terror let loose by the Bakhshi regime was presented by the Indian-held Kashmir Praja Socialist Party to Yuvraj Karan Singh, the so-called Sadar-i-Riyasat (Head of the State), on November 25, 1954. An item about this is reproduced below from the TIMES OF INDIA, New Delhi, dated November 27, 1954:

'REIGN OF TERROR' IN KASHMIR
P.S.P. Leader's Charge
(The TIMES OF INDIA News Service)

"JAMMU, November 26: The Chairman of the newly formed Praja Socialist Party in Kashmir, Mr. Om Prakash Saraf, has appealed to the Sadar-i-Riyasat, Yuvraj Karan Singh, to 'prevail upon the State Government to behave fairly and democratically'.

"The appeal is contained in a memorandum which the P.S.P. leader personally submitted to the Sadar-i-Riyasat yesterday.

"Mr. Saraf has alleged that the present administration has let loose a 'reign of terror' and has listed a series of what he calls 'the commissions and omissions of the National Conference Government'.

"The memorandum points out that recently anti-Communist journals have been banned, opposition leaders assaulted and that promotions and punishments by the Government 'have been motivated by party considerations'."

A correspondent of the TIMES, London, sent a long despatch from Anantnag in Indian-held Kashmir, to his newspaper, dealing with the reign of terror in Indian-held Kashmir in general and the activities of the "Peace Brigade" in Anantnag in particular. The despatch which was pub-

London Times Correspondent's Testimony

lished in the TIMES on June 27, 1955 under the heading "Repression in Kashmir: Peace Brigade's Method" said:

"The Indian Government often behaves as if its moral duty is to defend dependent peoples, and it is, therefore, surprising that so little attention is given to the political welfare of the four million Kashmiris for whom at present it is ultimately responsible.

"Generous Indian economic aid and indeed, the intelligent development programme of the Kashmir Government, tend to conceal methods of that Government, that are totalitarian in concept and occasionally border on outright terrorism in practice. Even if conditions in this market town are not prevalent throughout the State they are sufficiently disturbing to demand an independent inquiry.

"Anantnag is the home of Mr. M. A. Beg, who was Revenue Minister, until his arrest, with Sheikh Abdullah, and since his release* last November, for reasons of health he has been one of the spokesmen for the small and divided Opposition in the State Assembly. For this reason Anantnag probably merits special attention from a Government which seems determined to eradicate opposition, and this attention has included physical hurt and terrorism by the so-called 'peace brigade', the private army of the National Conference Party.

'Shopkeepers' Complaints

"Your Correspondent met about a dozen men here, most of them respectable shopkeepers, who had recently been beaten with *lathis*** and fists. One after another they stripped to show angry bruises and abrasions on their bodies. One man had a torn nostril, and another claimed that his teeth had been knocked out by a member of the 'peace brigade'.

"Two shopkeepers complained that they had been robbed during unofficial searches, and other said that their shops had been looted. A woman, in a highly hysterical state, said that she was afraid to go home because of constant harassment. She was the widow of a Muslim killed during a tribal invasion while escorting Hindu refugees, and she alleged that the compensation awarded to her had not been paid because she was a supporter of Sheikh Abdullah.

*Mr. Beg was re-arrested on November 19, 1955. He was again released on October 20, 1956, but, within 6 days, was arrested for the third time in 3 years on October 25, 1956. He had walked-out from the so-called (now defunct) Constituent Assembly of Indian-held Kashmir on October 24, 1956, followed by 8 other Members, after declaring that the "Assembly" was not competent to finalize the "accession" of Kashmir to India or give a constitution to the State. He had emphasised that it was only the will of the people expressed "in a free and impartial plebiscite that can rightly finalize the accession of the State to India".

**clubs

"Mr. Beg said that physical injuries were inflicted on two occasions: when his brother, Mr. G. M. Beg, was publicly welcomed after his release from prison—he was held with Sheikh Abdullah—and when the shopkeepers declared a *hartal* or strike last week after one of their member alleged that he had been beaten and robbed by members of the 'peace brigade'. One of the town's leading traders, he appeared before your correspondent with a bruised and bandaged face.

Attack by Hooligans

"When Mr. Ashok Mehta, the Indian Socialist leader, was attacked by hooligans in Srinagar and prevented from making a speech, the police and no difficulty in finding a number of prominent citizens to declare that he had not been attacked. In Kashmir as in other parts of Asia, it seems that allegations of atrocities committed must be treated with reserve but it is unlikely that people submitted to heavy beatings to produce 'evidence' for an itinerant correspondent. With an unknown number of people imprisoned without trial——under the Kashmir Preventive Detention Act, persons can be held for five years——they showed courage in coming forward to speak."

A.M. Rosenthal of the NEW YORK TIMES had the following story regarding conditions in Indian-held Kashmir in July 28, 1955 issue of the paper:

"Civil liberaties are fewer than in any place in India. A man may be put into jail for five years without charges or trial. Strong army squads—the Kashmir Government blandly calls them Peace Brigade——break up the meetings of the harassed Opposition."

Indian Colony

A correspondent of the ECONOMIST, London, made the following report in a despatch which appeared in the paper on August 20, 1955:

"As things are, the average Kashmiri has no desire to be assaulted by the paid bullies of the present Kashmir Government's so-called Peace Brigade or to be arrested on some specious charge and to be locked up without trial. His resentment smoulders, but it seldom bursts into flame. Kashmir is quite a well-run Indian colony.....Bakhshi Ghulam Mohammad, the present Prime Minister of Kashmir, looks like a moustached Mussolini and often talks like one."

According to the TIMES OF INDIA, Bombay, dated February 23, 1956, Mr. H. V. Kamath, a Praja Socialist member of the Indian Parliament, in a speech delivered in the Lok Sabha* on February 22, 1956 observed: "In

*Lower House of the Indian Parliament.

Lawless Law

Kashmir, the lights of civil liberty and fundamental rights are being slowly extinguished."

Mr. Kamath in the same speech described the Indian-held Kashmir Preventive Detention Act, under which an individual can be detained for five years without assigning any cause, as a "lawless law".

The NAYA PAYAM, Delhi in its February 26, 1956 issue said: "Everybody is aware of the new series of arrests made to crush opposition. More than sixty leaders and prominent workers belonging to the various opposition parties have already been arrested, and the process is continuing. The entry of several Kashmiri leaders into the State has been banned, while the period of detention of others has been extended. Among the latter is Khwaja Abdul Aziz Naqqash, a prominent leader of the Kashmir Political Conference, whose period of detention has been extended by six months."

Khwaja Abdul Aziz's only fault, according to the NAYA PAYAM, was his forceful advocacy in favour of holding an early plebiscite in the State of Jammu and Kashmir.

Police State

The FREE THINKER, Delhi in its issue, dated June 7, 1956, published the following comment under the heading "Undignified Behaviour":

"That Kashmir is a Police State where Law of the Jungle has superseded human law, was recently practically confirmed by none other than Mr. Shamlal Saraf, a State Minister, himself when he publicly used a baton to beat a police constable on the occasion of the Buddha Jayanti celebrations in Leh (Ladakhh). The Minister's behaviour led to desertion of their posts by the entire Police of the town. The matters could be set right only after Mr. Saraf was made to realise his mistake.

"Mr. Shamlal Saraf's behaviour does serve as an indication of the way in which the affairs of the State are conducted by the Nationalist Government of Kashmir, headed by Bakhshi Ghulam Mohammad, who himself has on numerous occasions made no secret of the fact that he had more faith in the *danda* (stick) than in anything else. It also confirms the charge levelled by the opposition in Kashmir that the life of the present State administration depends on how best it can employ force to beat down its political adversaries.

"It is not the first time that a responsible Nationalist Minister or leader of Kashmir has publicly brandished a stick to establish his authority. The Nationalist leaders have time without number used sticks to coerce their opponents into submission even before India installed them

in seats of power. Indeed, the whole history of the National Conference, is one of violence and force.

Ridiculous Argument

"Mr. Shamlal Saraf's ridiculous argument justifying his action of beating a police constable cannot but arouse laughter and contempt. He stated that he was provoked to use the baton when he saw the policeman using a stick. One can, however, hardly differentiate between his action and that of the policeman. Little could he understand that in their rough dealings with the public the guardians of law and order in the State drew inspiration and encouragement solely from the high-handed actions of the Ministers and the Nationalist leaders themselves. Equally fantastic is his claim that Kashmir is not a Police State, when viewed in the light of his behaviour.

"Curriously enough, Mr. Shamlal Saraf chose to use the stick at a function held to honour the memory of Gautam Buddha, the apostle of non-violence and peace. That clearly that Mr. Saraf and the people of his way of thinking have not at all been able to grasp the essence of Buddha's teachings and that they have no respect for non-violence and peace which were dearer to the Enlightened one than anything else".

Kashmiris' Freedom Curbed

The FREE THINKER, Delhi, in a front-page editorial on July 21, 1956 gave a lurid account of the unhappy conditions in Indian-held Kashmir.

It said: "Today, when the Nationalists, who in the good old days claimed to be the champions of the State people's freedom, have occupied the seats of power the situation in the State is far worse and agonizing than what it was during the Dogra regime. Today, foreign domination and local atrocious administration have combined to produce an atmosphere in which the freedom of the Kashmiris' stands violently curbed. It would not be wrong to say that the State people have lost even what little freedom they had achieved as a reward for their heroic sacrifices from 1931 onwards.

"No democrat worth the name can afford to remain silent over the tragic state of affairs in Kashmir. A reign of terror has been let loose in the State with minions of the ruling party ever prepared to beat up and torture peaceful citizens simply because they demand their right of self-determination and are highly critical of the high-handed and corrupt practices of the authorities.

"Peace Brigade's" Depredations

"The members of the 'Peace Brigade', a semi-military organization controlled by the ruling party have been granted unbriddled licencé for suppression of the political opponents of the regime. Their depredations have wrought a havoc in the State the deleterious effects of which have already heavily told upon the growth of democracy in the State. No self-respecting person is safe at their hands. In recent months their violent activities have assumed menacing proportions.

"That scores of political workers belonging to various opposition parties of the State are persecuted and tortured daily provides tangile evidence of the Bakhshi Government's anxiety to stamp out all kind of opposition in the State.

"The Government has perfected a machinery of repression which can favourably be compared to the one devised in Hitlerite Germany to annihilate the opposition. What is worse is that the oppositionists are often arrested without any signed warrants being shown to them and can be put behind the bars for as long as five years. Recently, on 10th of this month, about 200 prominent political leaders and workers were arrested, in Kashmir without any warrants of arrest being produced by the detaining authority, presumably to prevent possible demonstrations on 13th July, the Martyrs Day.

"As far as the freedom of Press is concerned, it is non-existent in the State. Journals, critical of the Government, have long since ceased to exist because of the most humiliating restrictions placed on them. Heavy sums are demanded as securities from publishers before they decide to bring out a paper. The journals which venture to strike a discordant note on any issue are put on the 'black list' and deprived of all facilities to which they are normally entitled".

'Gingerbread and the Lash'

Anthony Mann, Special Correspondent of the DAILY TELEGRAPH, London, writing from Srinagar in March 15, 1957 issue of the paper said:

"With Kashmir the Bakhshi regime, in receipt of a regular and, by Kashmir standards, very large annual subsidy from Delhi, has pursued the type of policy expressively described in German as 'gingerbread and the lash'. On the one hand every effort is being made to give the poverty-striken population a measure of material prosperity. On the other, political deviation is being relentlessly crushed and all dangerous critics of the Government gaoled without trial. The facade of democracy crumbles at a glance".

He added: "Apart from the material improvements I have mentioned, there is little to distinguish Kashmir from some Asiatic puppet of the Kremlin. Under the 1954 Preventive Detention Act 26 Opposition political leaders (including four successive presidents of the Plebiscite Front) are in gaol without trial for five years. The country is riddled with police, militia, 'special police', Government informers and a strongarm organization euphemistically termed 'the Peace Brigade', thugs of which beat up incautious critics. Other opponents of the regime are hauled to police stations and 'given the treatment' without any tiresome records. Foreign visitors are carefully insulated from contact with 'hostile elements'."

Meeting with Bevan

According to the TIMES OF INDIA, Bombay, dated April 9, 1957, delegates of the Plebiscite Front and the Kashmir Political Conference met the British Labour leader, Mr. Aneurin Bevan on Apirl 8, 1957 when he was on a visit to Srinagar.

The paper said that they were reported "to have told Mr. Bevan about the alleged lack of civil liberties, repression of opposition parties, and incarceration of a large number of their members. They added that a majority of Kashmiris stood for accession to Pakistan and demanded a free and impartial plebiscite in Kashmir".

A news-item regarding the imposition of a ban on public meetings and processions in Srinagar District is reproduced below from the STATESMAN, Delhi, dated March 8, 1958:

MEETINGS BANNED IN SRINAGAR

(From Our Correspondent)

"SRINAGAR, Mar. 7.—The District Magistrate of Srinagar has banned public meetings and the assembly of persons or processions in Srinagar district from tomorrow."

Another item regarding the defiance of the ban on processions by the people and the consequential arrests is re-produced below from the STATESMAN, Delhi, dated March 15, 1958:

SEVEN ARRESTED IN SRINAGAR

(From Our Correspondent)

"SRINAGAR, Mar. 13.—Seven people were arrested by the Kashmir police last night in Srinagar city for defying the ban on processions under Rule 50 of the Jammu and Kashmir Security Rules, imposed in the city last week.

"It is reported that these people formed themselves in a procession and started demonstration in the heart of Srinagar, at Zandar Mohalla.

This is the first time followers of Sheikh Abdullah have defied the ban imposed on public meetings and processions."

With Mr. Nehru's Blessing

The RADICAL HUMANIST, Calcutta which was founded by the world-famous Indian political leader, the late Mr. M. N. Roy, and is now jointly edited by his wife, Mrs. Ellen Roy, and Mr. S. N. Ray, in its issue, dated May 25, 1958, published an article entitled "Nehru Out of Tune With Himself" by Pandit Prem Nath Bazaz in the course of which Pandit Bazaz said:

"In the pre-independence days it would appear incredible that as head of the free Indian government Mr. Nehru would ever agree to occupy a territory by military might against the wishes of the local population. Nobody would believe that under his orders patriots would be fired at and killed for demanding the right of self-determination or thousands would be tortured or beaten up in police camps or imprisoned for years without trial merely for expression of independent views. Yet this has been going on in Kashmir all these past ten years with the blessing of Mr. Nehru."

The following report published in the STATESMAN, Delhi, dated August 18, 1958, would show how powers given by the ordinary law to the executive are misused in Indian-held Kashmir for curbing the legitimate and lawful activities of opposition parties:

BAN ON MEETINGS IN ANANTNAG
MOTION DISALLOWED IN KASHMIR COUNCIL
(From Our Correspondent)

"SRINAGAR, Aug. 16.—The Chairman of the Kashmir Legislative Council, Mr. S. N. Fotedar, today disallowed an 'important' motion moved by Raizada Amarchand of the Democratic National Conference* group, to discuss the situation arising out of the ban on public meetings within a radious of 10 miles of Anantnag Town imposed by the District Magistrate of Anantnag. The chairman said the matter involved interference with the administration of law.

"Explaining his motion, Mr. Amarchand said the Democratic National Conference, had planned to hold a public meeting at Kabamarg in Anantnag district on August 15 but it could not be held because of the prohibiting order. This order, he said, amounted to a denial of fundamental rights to the people."

*This political party was formed by dissidents from the ruling National Conference in September, 1957. More information about the formation of this party may be seen on page 33.

The following item regarding the absence of civil liberties in Indian-held Kashmir is reproduced from the STATESMAN, dated November 25, 1958:

'NO FREEDOM IN KASHMIR'
DNC Executive's Criticism
(From Our Correspondent)

"JAMMU, Nov. 24.—The Democratic National Conference central executive, which concluded its three-day meeting here yesterday, severely criticized the 'absence of civil liberties in Jammu and Kashmir'.

"Explaining the executive's resolution on civil liberties in the State, Mr. Ghulam Mohammad Saddiq, the party's president, told reporters that civil liberties were in danger in the State."

Unanimous Condemnation

Mr. P. L. Lakhanpal, Chairman of the End Kashmir Dispute Committee, Delhi, in his book entitled ESSENTIAL DOCUMENTS AND NOTES ON KASHMIR DISPUTE, published by International Publications, New Delhi on December 31, 1958, said:

"All opposition parties in India and Kashmir are unanimous in their condemnation of the Bakhshi regime as 'totalitarian, corrupt and repressive'."

According to the STATESMAN, Delhi, dated February 14, 1959, Mr. Prem Nath Dogra, President of the Jammu and Kashmir Praja Parishad, in a Press Conference in New Delhi on February 13, 1959 "accused the Kashmir Government of organizing lawlessness, hiring goondas and intimidating political opponents in the State".

Attack on D.N.C. Members

The STATESMAN, Delhi, in a report published on August 29, 1959, said: "In a Press Note today (August 28) the Kashmir Democratic National Conference alleged that members of the Pulwana Tehsil Committee of the party were attacked by men of the 'Peace Brigade' on August 25. According to the Press Note, Mr. Ghulam Ahmed Massodi, member of the State Legislative Council, received serious injuries."

The TIMES OF INDIA, Bombay, published the following report in its September 2, 1959 issue:

Opposition Charge

("The Times of India" News Service)

"SRINAGAR, August 31: Mr. G. M. Sadiq, Chairman of the Democratic National Conference, today alleged that the Premier, Bakshi Ghulam

Mohammed, was not living up to his promise to allow Opposition parties to indulge in normal political activities.

"He said during the past two years the Government had used every method within its power to suppress political activities by the Opposition parties.

"In a statement, Mr. Sadiq said a meeting of his party at Mathan was banned just before it was to be held yesterday.

"He also said that the Premier's recent statement in Delhi that the Opposition was free to function 'does not stand the test of truth'."

CHAPTER III

EXPERIENCES OF INDIAN LEADERS

The Bakhshi regime does not spare even those Indian political leaders, who, though not pro-Pakistan on the all important question of accession of the State to Pakistan or India, nevertheless criticise and condemn the suppression of civil liberties and the reign of terror let loose by the ruling party in Indian-held Kashmir. Such Indian leaders are insulted and manhandled when they happen to visit Occupied Kashmir.

Assault on Mr. Asoka Mehta

Mr. Asoka Mehta, a prominent leader of the Praja Socialist Party of India and Member of the Indian Parliament, was assaulted in Srinagar on November 10, 1954.

In Lal Chowk in Amirakadal, 60 to 70 persons surrounded Mr. Mehta and his party and raised slogans like "Nehru Zindabad, Bakhshi Zindabad and Abdullah Murdabad". Afterwards, Mr. Mehta was kicked; Vasanti Shroff, a Praja Socialist Party lady worker of India, was boxed. Her Shawl, a purse with Rs. 25 belonging to a member of the Party and a blanket belonging to another member were snatched away.

Amongst those who were beaten was a son of Sheikh Mohammad Abdullah, Farooq. When the party tried to seek refuge in a nearby restaurant, the proprietor was threatened with dire consequences if he sheltered them. When they ultimately got into a car, the car was also attacked.

The assailants included a brother of Bakhshi Ghulam Mohammad, Bakhshi Abdul Hamid; Sufi Ghulam Mohammad, a Government official; Mr. Ghulam Qadir Gandherbali, Superintendent of Police; and Mr. Ghulam Nabi Para, brother-in-law of Bakhshi Ghulam Mohammad.

Mr. Mehta threw light on this incident in a Press conference held in Srinagar on November 11, 1954. An account of the Press Conference is reproduced below from the HINDUSTAN TIMES, New Delhi, dated November 12, 1954:

"Srinagar, Nov. 11.—Mr. Asoka Mehta, P.S.P. leader, said here today that he and some of his colleagues were beaten by the National Conference workers yesterday in Srinagar.

"Addressing a Press Conference, Mr. Mehta, who has been deputed by the P.S.P. executive to form a branch of the party in the State, said that the local workers were beaten and were bleeding.

"Giving an account of the incident, Mr. Mehra said that he along with some P.S.P. workers went to Lal Chowk 'just for sight-seeing and shopping and to have a cup of tea'.

Abuses and Kicks

"A mob gathered around them and hurled abuses 'and kicked me and a woman comrade'.

"The mob, he alleged, consisted of National Conference workers, Government officials, particularly police officials and Special Police.

"He said the mob manhandled Vasanti Shroff, his woman comrade, and snatched her shawl.

"Mr. Umar Bhat Awami, a local Socialist worker, was beaten and his clothes were also torn by the mob.

"Seeing all that was taking place round him, he and his colleagues went in a taxi bus which was also attacked by some demonstrators.

"He said that his party workers had wired to the Indian Prime Minister and the P.S.P. leaders about the incident and had also written to the I.G.P. of Kashmir."

Mr. Mehta also referred to this incident in a speech at a mass meeting held in Delhi on November 14, 1957. Acharya J. B. Kripalani,* another prominent leader of the Praja Socialist Party and Member of the Indian Parliament, also addressed the meeting.

People Live in Fear

Both of them said that a reign of terror prevailed in Indian-held Kashmir and the people lived in fear of the ruling party.

In the course of his speech Mr. Mehta said that some local leaders were not allowed to see him when he was in Srinagar. The leader of the Democratic Front, the only Opposition party in the (now defunct) Occupied Kashmir "Constituent Assembly", Mr. Mohiuddin Hamdani,

*Mr. Kripalani had earlier been the President of the Indian National Congress.

came to see him to keep an appointment, but had to excuse himself for rushing back to his house because, according to Mr. Hamdani, his house was being attacked by a crowd.

The owner of the houseboat in which Mr. Mehta was staying in Srinagar was apprehensive of punishment because he had allowed Mr. Mehta to stay in his houseboat. The mind of the taxi driver whom he engaged was beset with similar fears.

Begum Abdullah Quoted

When he met Begum Abdullah, she told him that pressure was being brought on the owner of the house she had rented, to evict her. She also said that the National Conference workers, teased and passed obscene remarks at her daughter when she went to school.

Mr. Mehta described in detail how he was beaten up in Srinagar. He was not allowed to address a public meeting though permission had been obtained for holding the meeting.

He categorically stated that policemen and official members of the National Conference, Peace Brigade, and even relatives of the Kashmir Prime Minister, including his brother, Mr. Abdul Hamid, constituted the crowd that beat him and his other companions in Lal Chowk in Srinagar. He was surprised that Radio Kashmir should have announced that no such incident took place there. It was remarkable that soon after he left, the Inspector-General of Police had announced that no policeman was involved.

No Civil Liberties

Mr. Mehta warned the people that if nothing was done to stop the rot in Kashmir, the rest of India would soon be engulfed. He said that he was not willing to detail the state of affairs in that State and would content himself with saying that the people were terrorised and they did not enjoy any civil liberties.

Another item regarding the same incident is reproduced below from the HINDUSTAN TIMES, New Delhi, dated November 14, 1954:

SADIQ ALI BLAMES GOVERNMENT

"BOMBAY, Nov. 13.—Mr. Sadiq Ali, Joint Secretary of the Praja Socialist Party, yesterday said that he had received a telegram from Srinagar stating that some 40 Praja Socialist Party workers were injured when Mr. Asoka Mehta and his associates were assaulted in the streets of Srinagar.

"Mr. Sadiq Ali said the Government had refused to provide any protection against the miscreants. 'It is extraordinary that in Kashmir

today these things should happen though there was not even a meeting or procession to provide even a semblance of excuse for the gross misbehaviour of the Government officials, National Conference workers and Peace Brigade volunteers'.

"There was no popular hand at all in this mischief", he said.

"Mr. Sadiq Ali thought it was 'very doubtful if the State Government would, in the circumstances in which it is functioning, institute a searching inquiry'.

"The Government of India should, in the interests of elementary decency of political and public life, step in and see what is wrong in the democracy in which a member of Parliament and Secretary of the second largest party in the country should not have the freedom even to walk in the streets of Srinagar and be seen by the passers-by, he said.—P.T.I."

Mr. Balraj Puri Manhandled

Mr. Balraj Puri, another Praja Socialist Party leader, was manhandled by the Indian-held Kashmir Police, at Jammu in October 1958.

On October 25, 1958, when the hearing in what is known as the Kashmir Conspiracy Case* against Sheikh Mohammad Abdullah and 25 others for the alleged attempt to overthrow the Indian-held Kashmir 'Government' by force and to facilitate annexation of the territory of the State by Pakistan, was resumed in the court of the Special Magistrate, Mr. N. K. Hak, in Jammu, Mr. Balraj Puri, who was present in the court room as a spectator, exchanged greetings with Mr. Mohammad Amin, an accused in the case. This led to an altercation between Mr. D. W. Mehra, Inspector-General of Police, and Mr. Puri and the former struck the latter with his fist. On Mr. Puri's politely protesting against it, the Police Chief ordered his removal from the court room.

Mr. Puri was then bodily dragged out by two Police constables and detained for a couple of hours outside. Meanwhile, Sheikh Mohammad Abdullah invited the attention of the court to the incident saying that his friend from Delhi had been whisked out of the court room.

Similar Incident

A similar incident took place on October 27, 1958, when in persuance of Sheikh Mohammad Abdullah's desire Mr. Puri went to see the Superintendent of Jammu Jail to seek permission for an interview with Sheikh Abdullah. It is said that before Mr. Puri could see the Superintendent he was conducted to the Police guard room where he was kicked, slapped and abused for about 15 minutes resulting in injuries to his person. After

*Chapter VIII of this pamphlet gives further details of this so-called 'Conspiracy Case'.

he had been let off, the Praja Socialist leader tried to contact the Special Magistrate to apprise him of the incident but before he could do so all approaches to the Magistrate's residence were blocked.

Mr. Puri's Statement

Mr. Balraj Puri made a statement about the incident at a Press Conference in New Delhi on December 11, 1958. The same is reproduced below from the STATESMAN, Delhi, dated December 12, 1958:

"I was involved in two incidents in the premises of the Special Court trying the Kashmir conspiracy case at Jammu in the last week of October. On October 25, I was dragged out of the court room by policemen on the order of the Inspector-General of Police and detained for about an hour and a half. The reason for this action, as I was told at the time, was that I had reciprocated the silent greeting of one of the accused. On October 27 I was taken to the guard room of the police attached to the court after giving me a false message and there I was severely beaten.

"The Prime Minister (Pandit Nehru) while referring to my allegations, in the course of the foreign affairs debate in Parliament, seems to have confined his comments only to the first incident. He is reported to have said that the trying magistrate asked a police officer to take me out as Iwas throwing my weight about in the court room.

"I submit, first, that the incident had happened before the arrival of the magistrate. My written complaint to him against the behaviour of the I.G.P. and policemen on the next working day is there to prove that. The incident was also brought to the notice of the court by Sheikh Abdullah and was thus reported in the Press. Moreover, a friend of mine who pursued my complaint was told by the magisrtate that he could not take cognizance of the incident as it had not happened in his presence.

Reason for Expulsion

"Secondly, the reason for my expulsion from the court room has been changed. In complaints made to the court by me and separately by the accused, the earlier reason, namely wishing an accused was referred to which was not contradicted by the police officers present.

"Thirdly, there is no mention in the comments of the Prime Minister of the second incident. Though I have now been given two versions of the reason for the treatment meted out to me on October 25, I have still not received any explanation as to why I was beaten by the men of the Central Reserve Police in the guard room attached to the court on October 27.

Grave Matter

"Regarding the charge of exaggeration made by the Prime Minister, I reiterate and reaffirm each word of my complaint to him and to the magistrate. May I submit that, even after making all possible discounts, my allegations still call for serious notice. For, even if the behaviour of the I.G.P. was less objectionable than I allege, my fault more than I know and even if the period of detention was less than I calculated and the number of injuries and bruises on my body was not as much as the doctor certified or as seen by scores of people in Jammu and Delhi, perhaps it still remains a grave enough matter for a further impartial probe.

"Though the Prime Minister has been fair enough not to categorically contradict my allegations, his remarks, I regret, are apt to be interpreted by persons against whom I made the allegations as a sort of extenuation of their action."

CHAPTER IV

THROUGH BRITISH M.P'S EYES

Mr. F. M. Bennett, a Conservative Member of the British Parliament, who, alongwith Mr. F. Tomney, a Labour Member of the Parliament, visited the Indo-Pakistan sub-continent in 1957, in the course of a speech delivered at a public meeting at Caxton Hall, London, on July 10, 1958, narrated the story of his visit to Indian-held Kashmir, in the following words:

".....I will tell you frankly that I was treated almost as a political prisoner from the moment that I arrived. I was never allowed to talk in Jammu to a single individual; even when I went on a walk in the cool of the evening I was accompanied by an official; and I wasn't even allowed to stay in Jammu town itself, but was politely put up in a guest-house outside the town.

Requests Refused

"When I went up to Srinagar I was similarly put in a guest-house away from the city, and when I asked there whether I could go into the town and speak freely to the people I was told that I could not for the sake of my own 'protection', because if I did the local population would be so indignant that they might well maltreat me! I also asked if, as similar facilities had been offered to me in Azad (Free) Kashmir, I could go to some of the prisons and in particular if I could interview Sheikh Abdullah, but I received a firm refusal to both requests.

"I have no complaint about the personal courtesy with which I was received but I can certainly say that in so far as obtaining any first-hand impression from public opinion, I cannot say what it was to any extent,

because I was never allowed, nor was my Labour colleague who went with me, to experience it. So I can only surmise that, as I was prevented in fact from gaining any impressions of public opinion, apprehensions for my own well-being were not really paramount in the minds of those officials who prevented my doing so. I will add that by a considerable degree of persistence I was able eventually to interview some of the local political leaders in Srinagar who came with very commend able courage to see me that evening in my room. If you will forgive me, I will not give you any further details because I would not wish to involve those concerned in any avoidable retribution which might otherwise follow. But from those who came, certainly I was told stories of the sort that reminded me all too much of conditions in dictatorship States that one had witnessed in the years before, during and after the war.

Pathetic Appeal

"Outside too, and carefully though I was watched, there were moments (which were never matched, I must add, on the other, the Pakistani side of the armistice line), when individuals did press little bits of paper, crumpled up, into my hands when they thought no one was looking, making some really pathetic appeal to let their troubles and their problems be ventilated, and sometimes amounting to a direct plea to the Western World to intervene."

CHAPTER V

MURDER OF DEMOCRACY

The farce of holding elections to various bodies has been staged a number of times in Indian-held Kashmir. Apart from the fact that the so-called elections and the actions of those allegedly elected as a result thereof had no legal and constitutional validity, these "elections" were clearly stage-managed and were held in an atmosphere of coercion under the shadow of Indian bayonets. These "elections" were over even before they began and the ruling National Conference always gained a majority before the voting even even started. Patriotic parties invariably boycotted them.

Participation in 'Elections' Treason

The TIMES OF INDIA, Bombay, dated March 2, 1957 reported as follows from Srinagar about the boycott of the so-called general elections in 1957 by the Kashmir Political Conference and the Plebiscite Front:

"The pro-Pakistani Kashmir Political Conference has announced that it will boycott the general elections in the State.

"A resolution of the organizing committee published today (March 1) said the elections were a farce since they were being held under the new Constitution, which was "not acceptable to the Kashmiri people". The resolution, which has also been published as a poster and distributed freely, aleged that 2.5 million did not have any civil liberties.

"The Political Conference described participation in the elections as 'treason'. It appealed to the people not to take part in them 'and thus prove the hollowness of the National Conference claim' to represent the people.

"The Plebiscite Front, led by Sheikh Abdullah and Mirza Afzal Beg, is also not contesting the elections.....".

"Phoney Elections"

The ORGANIZER, Delhi, which advocates the policy of the Bharatiya Jana Sangha, an Indian political party, editorially wrote as follows in its issue, dated March II, 1957, regarding these "elections":

"We are told of 38 unopposed returns to the 75-member State Assembly. Eight of the 11 P.S.P. nomination papers in Kashmir valley have been rejected on such flimsy grounds that Sri Om Prakash Saraf, State P.S.P. Chairman, is contemplating boycott of elections. An even worse slaughter of Praja Parishad candidates may be affected in Jammu. *Anyway, the Bakhshi Government already gets a majority before even going to the polls.* Are we to believe that this Government is the most popular one ever on earth? But even in that case the democratic form would require the staging of an opposition. Assuming that Bakhshi Ghulam Mohammad and his 37 candidates are so popular that none would oppose them, would it not be wise to elect them after at least some show of opposition? How do we expect the democratic world to accept such phoney elections as free elections? It is one thing to convince oneself, quite another to convince others. Simple discretion demands the staging of a contest.

"It seems that Pandit Nehru has not had his fill of 'small mistakes' yet. God alone knows what these 'small mistakes' will add up to. But he is bequeathing a doubtful heritage to succeeding Governments".

Taya Zinkin's Despatch

Mrs. Taya Zinkin, the notoriously pro-India and anti-Pakistan reporter, in a despatch published in the MANCHESTER GUARDIAN on March 29, 1957 said: "In Srinagar, the foreign correspondent is made to feel as if he were a spy in theatrical melodrama."

The despatch added: "India does not like the idea of a plebiscite in Kashmir and has often suggested that elections be used as an alternative to ascertain the will of the people.

"The Vale of Kashmir goes to the polls on Saturday and it is, therefore, important to consider whether the elections are fair and free.

Rigged Elections

"But there is no electioneering fever, no posters, no speeches—and except for eight constituencies out of 43 there are no elections in Kashmir. Thirty-five National Conference candidates were returned unopposed, partly because of a boycott by the Plebiscite Front and the Political Conference, partly because nine Socialist and five other nomination papers

were rejected," (in most cases on flimsy technical grounds).

"There is every sign that the elections are rigged."

The Working Committee of the Jammu and Kashmir Praja Parishad in a resolution passed at Jammu on April 26, 1957, condemned the Bakhshi regime for its high-handedness and malpractices during the so-called general elections in Indian-held Kashmir.

The resolution, as published in the ORGANIZER, Delhi, dated May 6, 1957, said: "The outlook and the attitude of the Government of Jammu and Kashmir, and the machinery set up by it for conducting general elections in Jammu and Kashmir State, have not changed even with the change of circumstances and after the framing of the so-called democratic constitution. In the previous elections to the Constituent Assembly, we were forced to boycott because of the failure on the part of the Government of Jammu and Kashmir and that of the big leaders of India, to ensure fair and impartial elections in the State. The illegal and improper rejection of nomination papers of 1951 has been adopted in a lesser measure during the recent elections but the spirit working at that time has been displayed in another form.

Defective Electoral Rolls

"It was brought to the notice of the Election Commissioner in the very beginning that the programme chalked out for the conduct of the elections was a hasty one and that it would not ensure fair elections in spite of the assurances of the Prime Minister of the State. The provisional electoral rolls published by the Election Commissioner were defective and contained blank pages and in many cases the lists were prepared in a most hasty manner, and the time allowed for their correction was too short because of the far flung areas in the State, where the contending candidates could not go to check up the lists. In the case of 61 out of 75 constituencies it was rather impossible to penetrate throughout the constituencies because of the unusual and heavy rain and snow-fall this year during the allotted period of 10 days. Even the corrected electoral rolls contained the same defects.

Limits of Constituencies Changed

"The delimitation of constituencies, though warranted under the constitution to be maintained as it was in the last elections, was again changed and the whole shape of the constituencies was remodelled to suit the candidates set up by the National Conference Party. No delimitation committee was set up even though one was promised, and even the opposing candidates were not consulted before constituencies were delimited.

This one-sided show went so far that limits of constituencies published in the Government Gezette of 8th February, 1957, were changed after 3 days because some of them were subsequently unsuitable to the National Conference candidates.

"The Government machinery was fully geared for propagating in favour of National Conference candidates. Returning Officers, Presiding Officers and the staff deputed were mostly those officers who were taking active part in the election propaganda in spite of the fact that complaints against them were lodged in writing before the authorities concerned.

"The lists of Presiding Officers and polling stations were announced only three days before the day of polling, and in some cases polling stations were changed on the polling day without intimation to the opposing candidates.

"The election staff, Returning Officers and Presiding Officers exceeded all limits in committing irregularities on the day of polling and counting. Praja Parishad Agents were not allowed to seal the ballot boxes, check and seal the ballot papers and identity slips, account for voting packets at many polling stations etc., etc. In cases where such seals were allowed to be applied, they were not found in tact at the time of counting. In some places, the Agents were maltreated and turned out of the polling station limits. The boxes were brought to places fixed for counting without allowing the representatives of candidates to accompany the boxes for the purpose of keeking a watch, although throughout India these facilities were provided.

Many Repolls

"In many cases, the boxes were not kept in safe custody in the Government Treasury. They were kept at the residence of Returning Officers for tampering purposes. Counting was delayed without reason in many places. No heed was paid to the genuine objections raised by the Praja Parishad Agents regarding the tampering of boxes. Out of the eighteen constituencies contested by Praja Parishad repoll has been held at twelve places to the advantage of National Conference candidates. The irregularities and illegalities are well reflected by those repolls, when these are compared with the polls throughout India, where the repolling took place in very few places.

"By staging this drama of glaring murder of democratic principles and by throwing asunder all canons of justice, the Government has been responsible for effacing all faith of the peace-loving people in the procedure of ballot.

Towards Fascism

"By creating terror and harassment amongst the innocent masses, a tendency towards Fascism has been created in the State."

The resolution said: "We most strongly beseech the conscience of the Government of India to institute a judicial inquiry regarding the malpractices, irregularities, and law-breaking by the law-makers themselves."

According to the STATESMAN, Delhi, dated August 2, 1957, the Praja Parishad chief, Mr. Prem Nath Dogra, told a Press Conference in Srinagar on July 31, 1957, that the experience of the Parishad group during the last few days of the "Assembly" session had shown that the party in power had scant respect even for elementary democratic processes and procedure.

Mr. Ghulam Mohammad Sadiq, former Education and Health Minister of Indian-held Kashmir, addressing a Press Conference in Srinagar on August 7, 1957, said that he along with five of his colleagues had resigned from the Working Committee of the National Conference of which he was the Vice-President, as a protest against "authoritarianism and corruption" within the organization and its Government.

He said that such tendencies, both within the National Conference and the State Government, had made it impossible for "functional democracy" to flourish in the State.

Mr. Sadiq announced the formation of the Kashmir Democratic National Conference, on September 6, 1957.

Inaugurating the first convention of the Kashmir Democratic National Conference in Srinagar on October 19, 1957, Mr. Sadiq explained the circumstances leading to the break of himself and his group from the National Conference.

According to the STATESMAN, Delhi, dated October 21, 1957, Mr. Sadiq said: "We failed to create a healthy organization and efficient administration. On the contrary corruption became rampant and this seriously affected the Administration."

Hunger for Power

Declaring that these events constituted the story of "our prolonged and at times bitter struggle inside the National Conference", Mr. Sadiq said that there were "facts to prove that the dominant group (in the National Conference) in its hunger for power relegated the needs of the people to the background".

Mr. Mir Qasim, former Revenue Minister of Indian-held Kashmir, moved the main resolution at the convention which declared that "soaring prices of all essential commodities are multiplying the difficulties of

the people, already weighed down by high prices of foodstuffs" and demanded "immediate steps should be taken to check profiteering by monopolists".

It said the administrative machinery "is getting increasingly divorced from the people and its attitude towards them is arrogant and unsympathetic".

The resolution regretted that the National Conference had reached the end of its utility and "has lost the capacity to lead the people on the road to progress and democracy".

Nomination Papers Rejected

Addressing a Press Conference in Srinagar on November 16, 1957, Mr. Mir Qasim—as reported in the STATESMAN, Delhi, dated November 19, 1957—referred to the elections to Town Area Committees and said that his party had sponsored Citizens' Committees to set up candidates. He alleged that the nomination papers of all seven Citizens' Committee candidates in Kulgam had been rejected under strange circumstances. Similarly, the nomination papers of all six Citizens' Committee nominees in Pampore had been rejected.

Mr. Mir Qasim and Mr. G. R. Renzu, former Speaker of the Indian-held Kashmir Assembly, and 10 others were injured when they were attacked by volunteers of the "Peace Brigade" and the National Conference in Sopore town on November 18, 1957, when the nomination papers for election to the local bodies of candidates of the National Conference and the Citizens' Committee backed by the Democratic National Conference, were about to be scrutinized. In this connection a report appearing in the STATESMAN, Delhi, dated November 21, 1957, is reproduced below:

"SRINAGAR, Nov. 19.—Mr. G. M. Sadiq, President of the Kashmir Democratic National Conference, told Press Correspondents here last evening that promulgation of President's rule in the State 'is the only way of restoring Kashmiris' faith in democracy'.

Leaders Beaten

"He was commenting on Monday's incident in Sopore where, according to him, two leaders—Mir Qasim, former Minister, and Mr. G. R. Renzu, former Speaker of the Assembly—and a dozen workers of his party were beaten by the Peace Brigade and National Conference workers.

"Mr. Sadiq said he had sent telegrams to Mr. Nehru, Pandit Pant, Maulana Azad and Mr. Vishnu Sahai, Union Secretary for Kashmir Affairs, to intervene and 'restore confidence among the people'."

Mr. Mir Qasim, while speaking to Press correspondents in New Delhi, on December 12, 1957, made some further observations which reflect on conditions in Indian-held Kashmir.

According to the STATESMAN, Delhi, dated December 14, 1957 Mir Qasim aleged that during the recent elections to local bodies in Kashmir nomination papers of candidates opposing those set up by ruling party had been summarily rejected.

Role of "Peace Brigade"

"He also alleged that the Peace Brigade which was designated as the Special Police was composed of inadequately trained personnel and it harassed people in some parts of Kashmir.

"Mir Qasim said: 'The ruling party wants to keep some sort of emergency alive in the State so that a healthy Opposition cannot function'."

Mr. Ghulam Mohammad Sadiq said at a Press Conference in Srinagar on January 29, 1959, that there were certain basic things on which democracy should rest. These included independence of judiciary and a fearless public opinion. For this a free press was very necessary. In fact in the absence of all these essential things, they would drift to totalitarianism.

Subsidized Papers

The report of the Press Conference published in the INDIAN EXPRESS, New Delhi, dated January 30, 1959, further said:

"He (Mr. Sadiq) said: 'In our State what are the prospects of a free Press when numerous papers are being subsidized by the Government and their main task was to spread slanders against the Opposition parties?'

"A few exceptions which were there had to exist under great difficulty. He regretted that huge sums of money were being spent to subsidize these papers from sums allotted for Plan publicity by the Central Government.

"The way the ruling party treated the Oppositnon parties, Mr. Sadiq added, was very peculiar. During the last two sessions of the State Assembly, Opposition members had to fight for their seats inside the House. The Opposition members were not even invited to official functions like Republic Day.

Frightened People

"Under the pressure of public opinion, both inside and outside the State, the Government had removed restrictions on public meetings and processions in the Kashmir Valley, he added. This welcome step was in the right direction but there were indications that the ruling 'clique' did not favour the removal of restrictions and they were resorting to various types

of pressure for the reimposition of these restrictions. 'If this is going to be the state of affairs here, one cannot expect democracy to function in the normal way. After all no democratic structure can be built on the shoulders of frightened and cowed down people', Mr. Sadiq concluded."

Things have come to such a pass that not only the close associates of the Indian-imposed 'Prime Minister', Bakhshi Ghulam Mohammad (like Mr. Ghulam Mohammad Sadiq and Mr. Mir Qasim), have parted company with him as a protest against the state of affairs in Indian-held Kashmir, but also his near relatives like his younger brother, Bakhshi Abdul Hamid, have also resigned from his ruling party for similar reasons.

In this connection, a news-item in the INDIAN EXPRESS, New Delhi, dated February 9, 1959, said:

"SRINAGAR, Feb. 8.—Bakhshi Abdul Hamid, younger brother of Bakhshi Ghulam Mohammad, told a press conference this evening that he had resigned from the Jammu and Kashmir National Conference.

Disgusting Scene

"He had taken the 'grave decision' as the whole scene in our State provokes disgust; the existence of our objectives and ideals have become faint even on paper.

"He said his differences with the National Conference began early in 1957 when he submitted his resignation protesting against the manner in which the State Legislature elections were held.

" 'Bakhshi Ghulam Mohammad promised an inquiry, but it is still to be held', he added.

"Bakhshi Abdul Hamid alleged that corrupt elements had found their way into the National Conference and the 'attitude of present regime towards the functioning of the Constitution and democracy in the State is to be condemned'."

Mr. Prem Nath Dogra, President of the Jammu and Kashmir Praja Parishad, once again in a Press Conference held in New Delhi on February 13, 1959 brought to light the high-handedness practised in the so-called elections in Indian-held Kashmir.

According to the STATESMAN, Delhi, dated February 14, 1959, Mr. Dogra "cited instances during recent local elections when violence was used by the party in power against political opponents. Elections in the State, he said, were a 'rigged up' affair. The official machinery of the State, he said, was freely used to campaign for the ruling party candidates. During the last elections to the State Assembly—conducted by an officer appointed by the State Government—'bundles of blank ballot papers were distributed among the workers in advance and ballot boxes were tampered with', he added."

CHAPTER VI

SOARING PRICES AND UNEMPLOYMENT

Leaving aside the political issues, Indian-held Kashmir is also seething with unprecedented discontent on account of the soaring prices of essential commodities including foodgrains and there are visible signs of labour unrest due to unemployment.

The HAMDARD, Srinagar, in its issue of January 21, 1959, said that the prices of wheat, rice and other commodities have registered an unprecedented rise.

The wheat "atta" price, the paper said, had risen by Rs. 22 per bag and the prices of Shali (paddy) by Rs. 40 per Kharwar (a measure of about two maunds).

Prices of all other items of everyday use like milk, vegetables, pulses, etc., were also soaring every day.

Unendurable Life

Food shortage, spiralling prices, large-scale unemployment and poverty, the paper said, had made the life of the common man unendurable. The Government appeared to be wholly unconscious of their responsibilities.

The Government officers, it said, were indifferent towards the deteriorating conditions. This apathetic attitude of the Bakhshi Government made one believe that they had joined hands with the blackmarketers and profiteers who were sucking the life-blood of the common man to fill their own coffers, it said.

Mr. Sadiq's Statement

The INDIAN EXPRESS, New Delhi, on January 30, 1959, published a report of a Press Conference addressed in Srinagar on January 29, 1959, by Mr. Ghulam Mohammad Sadiq, Chairman of the Jammu and Kashmir Democratic National Conference, in which he said that the 'State Gov-

ernment' should give up the policy of hiding facts about Kashmir.

He said: "Poverty is there and we cannot eradicate it simply by white washing some houses in Sonawari Block. We must give employment to the people and solve the food problem."

Mr. Sadiq said that during the last few years no new sources of employment had been added in the State and some ramshackle factories, which had been inherited from the autocratic regime, were also in a deplorable condition.

The INDIAN EXPRESS report continued: 'With the rising prices of daily necessities, it becomes very difficult for the workers to make both ends meet,' Mr. Sadiq added and asked the Government to realise its duty and do away with the policy of hiding facts.

Economic Crisis

"Referring to the mounting prices of commodities of daily use, Mr. Sadiq said that in spite of the ruling party's and Government's propaganda that a lot had been done towards the economic development of the State, the peasantry and other artisans were passing through an acute economic crisis.

"Quoting the prices of various commodities, Mr. Sadiq said that rice was selling at Rs. 90 per two maunds in the black market. Blackmarketing, he said, was being encouraged by some interested quarters. Rations fixed by the Government were not sufficient for a man to live and this contributed to blackmarketing."

Baffling Phenomenon

"The phenomenon of high prices of the commodities of daily use in Kashmir today defies explanation," said a Kashmir Newsletter published in the SUNDAY STANDARD, New Delhi, dated February 1, 1959.

Its Staff Correspondent writing from Srinagar said: "The prices have been high for the last two years but their upward trend after the first snowfall in the valley this season is breath-taking. Only the very rich can afford today to include vegetables, milk and mutton in their dietary."

The Newsletter, published under the heading "Baffling Phenomenon of High Prices", continued: "An article of daily use that sells for Re. 1 in Delhi or Amritsar, the markets nearest to the State, cannot be had for less than Rs. 1.25 nP or Rs. 1.50 nP., here. In Jammu the same thing costs only six to ten naya Paise more than in Amritsar. Srinagar is only two hundred miles from Jammu and the freight charges for a maund are not more than Rs. 4 or so. What happens between Jammu and Srinagar to make the prices sky-rocket?

Government Bungling

"There has, no doubt, been some bungling on the part of the State Government. For example, the pulses are selling here at the prohibitive

rate of Rs. 25 to 35 a maund, and yet the State Government has allowed their export from the State. This is a decision that baffles explanation unless one accepts the theory that some one in the Government had a financial interest in the matter.

"The hardships of an average middle class family in Kashmir can be better imagined than described. Normally it has become almost impossible for an average man with a fixed income to make both ends meet. The Government servants are among the hardest hit."

Inescapable Conclusion

The SUNDAY STANDARD Newsletter added: "The law of supply and demand just now seems to be in abeyance in Kashmir. How this economic law has been baulked here needs looking into. Even without a deep probe, one comes to the inescapable conclusion that the prices are being kept artificially high through manipulation by the traders. The traders have formed a pool and contrive things in such a way that we have a 'sellers' 'market' here although the circumstances no longer warrant it. Even the slightest move from the authorities can frustrate their decisions. It is reliably learnt that some well-known people are behind this racket. Why the Government does not move against these people is another mystery.

"After the last snowfall which resulted in the shooting up of prices, the average Kashmiri feels that imported vegetables sell cheaper here than those locally grown. It is a problem to get local vegetables and a Kashmiri who has his own taste and problems cannot depend on the imported varieties. Similarly, mutton which was selling at Rs. 2 to 2.50 a seer suddenly shot up to Rs. 3 per seer. The price of eggs shot up by hundred per cent last week and now they have almost vanished from the market.

"Commenting on high prices in Kashmir someone said the other day: 'The only commodity which sells at a uniform price both in Jammu and Srinagar is a postcard from a post office'."

Local Papers' Criticism

"Excessively high prices here surely give a tourist the feeling that he is being fleeced. Whether the State Government likes it or not, it will have to stop it in the best interests of the State's economy. It cannot afford the present attitude of 'see no evil and hear no evil'. During the last fortnight almost all the local papers have written strongly against the rising prices. Their comments must not fall on deaf ears," the Newsletter concluded.

An item about high prices of sugar published in the STATESMAN, Delhi, dated August 5, 1959, is reproduced below:

"JAMMU, Aug. 4.—Sugar prices hit a new high here, yesterday, a seer costing Rs. 1.56 and a maund selling at Rs. 60. Tea stallholders raised the price of a cup of tea to 16 nP."

CHAPTER VII

CURBS ON THE PRESS

The VOICE OF KASHMIR, Delhi, carried the following note under the heading 'Sheer High-handedness' in its issue for the month of February, 1955:

"As was to be expected unofficial ban has been placed on the entry of VOICE OF KASHMIR into the Jammu and Kashmir State. Most of our subscribers have not received the Second Number (December issue) of the journal. We presume that the few persons who have had the good fortune to get it did so through the inefficiency of the censoring officials.

"Our Correspondent from Srinagar states that under the provisions of the unwritten covenant between the Central Government and the Government of Kashmir the postal authorities have permitted the State officials, deputed for the purpose, to stop the December issue of the VOICE OF KASHMIR at the post office.

Indefensible Measures

"We do not know if such measures are adopted with the knowledge and the connivance of the Indian Government which claim to be the most democratic in the whole world. It is beyond our understanding how Jawaharlal Nehru can justify such indefensible and illegal measures of the State authorities. To stop a whole issue of a journal at the post office is clear violation of the Indian Constitution which guarantees the right of correspondence. The VOICE OF KASHMIR is representing a certain point of view regarding politics and peacefully preaching an ideology. This undue, illegal and unconstitutional interference by Kashmir Postal Department is not only negation of civil liberty to preach ones views on a problem of vital importance, it is sheer high-handedness which

should be intolerable to all lovers of democracy. Thousands of journals eulogizing the Nationalist regime in Kashmir reach every town of Kashmir daily. The VOICE OF KASHMIR is a monthly and has no more than a few hundred subscribers in the Valley. It carries no bombs, no bullets but ideas and views. Unless there is something rotten in the State why should the Government feel frightened and stop its entry by underhand means?

Sad Tale

"Speaking for ourselves, such onslaughts on freedom make us more resolute in our determination to fight for the freedom of Kashmir. This high-handedness justifies the need and existence of this journal to tell the sad tale of oppression and suppression in Kashmir to the outside world".

The VOICE OF KASHMIR complained in its March, 1955 issue that hundreds of coppies of its January issue were also stopped at the head post offices at Jammu and Srinagar, even though no ban had been officially placed on the entry of the paper in Indian-held Kashmir.

Highly Objectionable Action

The paper said: "The unwarranted, unconstitutional, illegal and highly objectionable action on behalf of the Post Offices is typical of the method by which Kashmir is administered at present.

•"In any other part of India this thing is unimaginable. Any such high-handed action would rouse the ire and provoke the wrath of the entire Nationalist Press and question, on the subject would be asked in the Indian Parliament. But Kashmir is different. There everything is permissible; nothing is unlawful if done to maintain Nationalists in power. And then Kashmiris are advised that they should decide to accede to India because such an alliance means freedom for them. What a mockery?

Editor's Arrest

Such criticism was not tolerated by the Indian Government and the Editor of the VOICE OF KASHMIR, Pandit Prem Nath Bazaz, was arrested in Delhi on September 8, 1955 under the Indian Preventive Detention Act. The grounds of his detention stated that he had from time to time published articles (in his journal VOICE OF KASHMIR) and issued statements the combined effect of which was prejudicial to the security of India and that he had been in constant communication with persons in Pakistan and Azad Kashmir whose activities were prejudicial to the security of India.

As in the case of the VOICE OF KASHMIR, Delhi, so also in the

case of the FREE THINKER, Delhi, which also criticized the Bakhshi regime and the Indian Government in the context of the Kashmir problem, the entry of the paper was banned in Indian-held Kashmir. Similarly, the entry of several other Indian papers including the PAYAM-I-NAU, the NAWA-I-MUSLIM and the ASTANA was banned in Occupied Kashmir.

The daily KHIDMAT, Srinagar, which is the official organ of the ruling National Conference, announcing the ban on the FREE THINKER in its issue dated February 2, 1956, said: "The entry of the English fortnightly, FREE THINKER, Delhi, has been banned in the State of Jammu and Kashmir. This action has been taken under the Press Act. The publication of this paper was started from Delhi about two months back. This paper propagates against India and Kashmir."

The FREE THINKER, edited by two Kashmiris, Mr. S. L. Yachu and Mir Noor Mohammad, made its appearance in Delhi in December, 1955. In an enunciation or its policy, carried in its first issue, the FREE THINKER had said that "armies of India and Pakistan were facing each other in Kashmir and if things were allowed to drift in the direction they were already going, the danger was that both countries might pluge into a headlong clash, and the result would be catastrophic not only for the subcontinent but for the whole world".

Favouring a plebiscite in the State, the paper had warned that "no solution would be acceptable to Kashmiris that did not reflect their own verdict".

India Practising Censorship

The TIMES, London, of October 14, 1955 published the following report from its correspondent in India:

"The Government of India is still practising censorship by refusing to allow British correspondents to visit Kashmir. Representatives of the DAILY TELEGRAPH and DAILY EXPRESS have failed to obtain the necessary permits and have left the country."

The DAILY TELEGRAPH, London of October 14, 1955 also published a despatch from its correspondent, George Evans, which said, in part:

"This morning when I withdrew my application after a vain eighteen-day wait for an entry permit to Kashmir, a New Delhi Government spokesman insisted that my application had not been refused. It was merely 'delayed'.

"This statement was made despite the fact that since my application was first submitted the Indian Ministry of Defence, which controls the issue of permits, had given one to a Japanese correspondent within two days of his application."

In its issue of October 21, 1955, the DAILY TELEGRAPH, London published another despatch from the same correspondent, George Evans, writing from Muzaffarabad, Azad Kashmir—that is, from the free (Pakistan) side of Kashmir. In this despatch, the correspondent said:

"Recent reports of disaffection in Azad Kashmir emanating from India are not in accordance with the actual conditions which I have observed in the course of a two-day visit here.

Striking Contrast

"The most striking contrast is that while Mr. Nehru's Government excludes observers from Indian-occupied Kashmir whom it suspects might voice criticism of conditions there, no such discriminatory censorship is applied this side of the Cease-fire Line.

"The Secretary-General (of the Azad Kashmir Government) said to me: 'We do not bar anyone from entering even if we know he is coming to find fault. No doubt criticisms can be made, as about any country in the world, but we believe we have achieved much to be proud of. And certainly we have nothing to hide. You are free to go anywhere you like and observe for yourself.'

"Permission to enter Azad Kashmir is necessary, but it seldom takes more than a few hours to get it. The day after applying I drove unconducted across the frontier."

The editorial of the FREE THINKER, Delhi, dated July 21, 1956 on conditions in Indian-held Kashmir, appearing in an earlier chapter of this pamphlet, also includes a revealing comment on the position of the Press. The same is reproduced below:

"As far as the freedom of Press is concerned, it is non-existent in the State. Journals, critical of the Government, have long since ceased to exist because of the most humiliating restrictions placed on them. Heavy sums are demanded as securities from publishers before they decide to bring out a paper. The journals which venture to strike a discordant note on any issue are put on the 'black list' and deprived of all facilities to which they are normally entitled."

Foreign Correspondents' Strange Experience

Two foreign correspondents had a strange experience in Srinagar in the first week of February, 1957. One was the correspondent of the DAILY EXPRESS, London. This is what he said about his experiences despatch from Srinagar, dated February 4:

"Two recent demonstrations of mob violence against myself and another British correspondent here were carefully 'fixed' by a high quarter of the Kashmir Government, I have good grounds for believing. Demons-

trations were intended to impress on me the pro-Indian feeling of the people here and also the degree of hatred and bitterness felt against the British, the United Nations and the West generally for favouring the Pakistan request for a plebiscite. They were also intended to try to scare me off talking to those who oppose integration with India. They undoubtedly exist, stifled though they are."

The other correspondent concerned was Stephen Harper of the DAILY EXPRESS, London. This is what he said about his experiences in Srinagar in a despatch published in the DAILY EXPRESS on February 5:

"Valley of Fear"

"In this capital city of the Valley of Fear, I learned to day how a plot was laid to set the mob against me. The Valley of Fear is in Kashmir—where India's Premier Nehru keeps a puppet Government in power with the support of 80,000 Indian troops.

"The puppet Premier is Bakhshi Ghulam Mohammad. He had declared 'the irrevocable accession' of Kashmir to India without Kashmir's 4 million people having a say in the matter.

"I had scarcely arrived in Srinagar, the capital, last week when a mob swarmed round my car. They shouted 'Murder him—we don't want British reporters here!' Car doors and canopy were ripped off. Hands grabbed and tore at my clothes. Little baskets of charcoal—carried around for heat—were poured over me and burned my face.

"Today I discovered that the mob gathered as a result of a telephone call from a Government official to the home of the brother of the puppet Premier Bakhshi.

"The idea was to try to convince me that the people of Srinagar favour integration with India, as Bakhshi has decreed.

The Plot Failed

"Secondly, assembling of the mob was an attempt to try to frighten me out of trying to contact opponents of the Bakhshi regime. In both ways the plot failed.

"I now have evidence that Sheikh Abdullah—hustled out of premiership and jailed in 1953—is still the darling of Kashmir, and a party called the Kashmir Political Conference carries on secret meetings in mosques.

"Besides my sources for this news, I have heard of two other attempts to contact me. Last night I was warned that I am a target for the mob because my paper is critical of Premier Nehru. News of the DAILY EXPRESS campaign urging a fair deal for Kashmir has spread to this remote valley."

EXPRESS Man Expelled

Stephen Harper of the DAILY EXPRESS, Londin, was once again treated shabbily by the Bakhshi regime in June, 1957. This time he was expelled from Indian-held Kashmir.

The DAILY EXPRESS of July 1, 1957 published the following report from him under the caption "EXPRESS man told: Quit Kashmir":

"I was expelled from Kashmir today (June 30). My request for permission to stay longer was turned down yesterday (June 29).

"You must be beyond our borders tomorrow or you will be arrested on a criminal charge", the puppet Government's propaganda boss Zutshi told me.

The Charge

"The charge: Being without permission on soil ruled by the Indian Government—to whom I am an officially accredited foreign correspondent—, soil which by Indian annexation is part of the Commonwealth of which I am a citizen.

"I told Zutshi that planes out were fully booked for several days. He chuckled: 'Then you must get out by road and start early because you better not be this side of the border tomorrow night.'

"But perhaps the thought struck him that a plane would see me out of the way more quickly.

"For he picked up a telephone and booked me a Government priority seat on this afternoon's aeroplane.

"You Must Leave"

"I appealed to the Defence Ministry in New Delhi for permission to stay. Back came the answer: 'You must leave'. So I flew out.

"Three secret policemen watched me leave the hotel. More were at the airport to make sure I left.

"Why was Nehru's puppet Kashmiri Government so anxious to get me out?

"Could it be because I have exposed the police state methods to keep the Kashmiris in subjection to India?"

How such Indian-held Kashmir newspapermen who do not see eye to eye with the Bakhshi regime are treated by it is indicated by the following news-item reproduced from the TIMES OF INDIA, Bombay, dated February 11, 1958:

JAMMU EDITOR ARRESTED

("The Times of India" News Service)

"JAMMU, February 10: Master Roshanlal, editor of a local weekly, SACH, was arrested here tonight. He is the Secretary of the Jammu Newspaper Editors' Conference and a member of the Kashmir Praja-

Socialist Party Executive. He has been persistently supporting Sheikh Abdullah. The police authorities declined to disclose the cause of his arrest."

On the other hand, those who toe Bakhshi Ghulam Mohammad's line are rewarded as stated in the following extract from a comment published in the RIYASAT, Delhi, dated February 2, 1959:

Rewards

"This is a very interesting development that such persons whose newspapers had no influence at all and had circulation of not more than a few hundred copies, received between Rs. 2,000 to Rs. 5,000 per month continuously for several years in the name of propaganda and publicity. In this connection it may be mentioned that newspaper used to get 200 copies printed and send a bundle of the same occasionally to Bakhshi Ghulam Mohammad and receive about two thousand rupees every month from the Jammu and Kashmir treasury, though nobody in the public even knew the name of the paper. This *loot* has now been stopped when the Government of India has appointed its own Auditor-General in Jammu and Kashmir."

Censorship

The following letter of Mr. G. D. Sachar, Editor, JAI SWADESH, Jammu, sent by him to the Editor, STATESMAN, Calcutta, on June 27, 1959, from Jammu and published by the STATESMAN in its issue of August 12, 1959, under the heading "Censorship", speaks for itself:

"Some of the practices that are being followed by the Posts and Telegraphs Department in Jammu and Kashmir are not very desirable. In the Jammu head post office, there are more C.I.D. personnel than employees of the post office. These people not only censor letter but also take away some. Suspects who come to post letters are followed; at times letters are not delivered or delivered very late.

"After being censored, the letters are sometimes sealed in such a way that it is difficult to open them. Bundles of Opposition newspapers are 'lost' in the post office. My main complaint regarding my newspaper, JAI SWADESH, is that our letters are censored as well as delayed. Sometimes letters addressed to us do not reach us; sometimes bundles of our newspaper do not reach the addressees.

Telegrams Not Delivered

"The same is the case with telegrams. After the elections in Doda District in May, 1957, I sent about dozen telegrams from Bhadarwa to the Prime Minister of India, the central office of the Jammu Praja Parishad and to some other places. But not even a single telegram was delivered."

It is noteworthy that the JAI SWADESH is a pro-Indian paper, although critical of the Indian-imposed Bakhshi regime.

CHAPTER VIII

COOKED-UP CASES

As a result of the repressive policy of the Bakhshi regime, Indian-held Kashmir has been converted into a large prison. All leaders of public opinion and prominent political workers have been thrown behind the bars for raising their voice in support of the demand of holding a free and impartial plebiscite to determine the State's accession to India or Pakistan.

These patriots remained in detention for long periods without trial—Sheikh Mohammad Abdullah remained in detention without trial from August 9, 1953 to January 8, 1958.

India was condemned all over the world for such detentions. The device of framing up cases against his adversaries was, therefore, resorted to by Bakhshi Ghulam Mohammad at the behest of his Indian masters.

"KASHMIR CONSPIRACY CASE"

Most notorious among these cooked-up cases is what is known as the "Kashmir Conspiracy Case" in which Sheikh Mohammad Abdullah, Mirza Mohammad Afzal Beg, former Minister of Indian-held Kashmir and the founder President of the Jammu and Kashmir Plebiscite Front, and 24 others are on 'trial' for what Bakhshi Ghulam Mohammad calls a conspiracy to overthrow through force the Indian-held Kashmir Government and secure the annexation of the territory of the State of Jammu and Kashmir by Pakistan. In this case, a list of over 300 witnesses and 136 "conspirators" besides the accused has been filed in the court of the Special Magistrate, Mr. N. K. Hak, by the prosecution.

It is for obvious reasons not possible to reproduce the text of all documents and a detailed account of the proceedings of this case in this pamphlet. Some documents or their extracts, etc., are, however, published

below to enable the reader to independently form his opinion about the genesis of the case and fairness of its proceedings*.

Inhuman Tortures during Interrogation

At the first hearing of the case at Kud on June 11, 1958, three separate applications were filed by Khawaja Ali Shah, a former Acting President of the Jammu and Kashmir Plebiscite Front, Pir Abdul Ghani and Mir Mohammad Nazir, three of the accused persons, alleging torture during the interrogation period.

Khwaja Ali Shah in his application said: "I have been holding very high and important positions in the Kashmir Government including those of Deputy Revenue Minister, Deputy Home Minister and Revenue Commissioner. In society I hold also very eminent position come as I do from a well-known family.

"In March last, I was taken from Reasi Sub-Jail where I was detained and placed in additional lock-up, Srinagar, where I was kept in solitary confinement for 39 days. This additional lock-up is known as Central Interrogation Institution which is actually manned by the Indian officials of the Intelligence Department.

Damp Cell

"I am suffering from some serious ailments such as sciatica, blood vomitting, kidney trouble and piles and was placed on transfer to additional lock-up in a small room which was so damp that its lower mud plaster could be pressed between two fingers and moisture remained spread on its sides throughout. It affected my health very adversely.

"Just on my arrival in the lock-up, I was taken out hand-cuffed and presented before an Interrogating Officer. On subsequent days two officers interrogated me and on occasions only one. They subjected me to tortuous questioning. At times the language used was vulgar and threatening. I was pulled up from my chair, gripped by my arm and shaken rudely. One morning a Police employee in uniform interrogated me, abused me and told me that we were 'Namakharams'** and if I would not come out with information as suited them, I must be ready to face torture which would break me. This torture was inflicted with the object of extorting statements to suit their diverse purposes of maligning our Leader and other respectable persons.

Aggravation of Ailments

"Sometimes a new type of torture was inflicted on me by refusing to

*These documents and extracts of documents have been taken from a publication entitled THE KASHMIR CONSPIRACY CASE by Mr. P. L. Lakhanpal, published on May 1, 1959, by International Publications, Delhi-6 (India).

**'Namakharam' means not true to one's salt.

allow me to go out from my cell to answer call of nature. The chamberpot placed in my cell could not be used because the cell was my prayer room also. My long confinement of about 39 days in a damp room affected my health seriously and resulted in the aggravation of my ailments adding to these nerve-shaking pain all over the body together with cutting pain in my heart at intervals.

"During the beginning I was not allowed to sleep. When I got a wink the powerful light of my cell was switched on to disturb me. My intensity of suffering can be gauged from the fact that sleeplessness combined with my 24 hours fast gave me constant nervous shivering and this shaking I have inherited as a legacy from my cell.

"The above I submit for the information of your Honour and solicit protection for my life and health. From the treatment I received in the Interrogation Centre I feel that my life is not safe."

Threatened with Death

Pir Abul Ghani in his application said that he was taken into custody on December 11, 1957, and taken to the Central Intelligence Interrogation Centre, where he was kept for about a fortnight before taken to special staff lock-up at Srinagar. During his detention at Central Interrogation Centre, he was "made to walk on ice bare-footed, kicked and abused". He was threatened by the S. P., Special Staff, Ghulam Qadir, "with death if he did not follow his instructions".

Mir Mohammad Nazir alleged that on being taken from Central Jail to the Interrogation Centre on September 21, 1957, he was kept without food and water for four days. After that he was given some rice and milk. He complained against this to the Inspector-General of Police on October 14, 1957 when he visited the place but that did not improve matters and he continued to be given two *chhatanks** of ice asr his daily diet for a fortnight when a doctor was called to examine him. He was given "severe beating, hung with chains and handcuffs on from the roof, kicked and abused". He alleged this torture was directed by Sheikh Ghulam Qadir, S. P., Special Staff.

Magistrate's Identical Order

The three applications were disposed of by the Special Magistrate by an identical order which read: "It is admitted that this pertains to the period he was not in the custody of this court. The applicant can, if he so chooses, approach the concerned authorities with respect to this. This may, therefore, be filed."

The so-called Kashmir Conspiracy Case had its origin in two com-

*A *Chhatank* is equal to about 2 ounces.

plaints: The first dated May 21, 1958 listing Mirza Mohammad Afzal Beg and 24 others as the accused and the second dated October 23, 1958 joining Sheikh Mohammad Abdullah as a party to the alleged conspiracy.

On October 23, 1958, Sheikh Mohammad Abdullah was informed in Kud Jail that he was to be transferred to Jammu Jail. On arrival at Jammu the following day, Sheikh Abdullah was produced before the Special Magistrate and handed over a copy of the original complaint against Mr. Beg and others and the supplementary complaint against him.

Sheikh Mohammad Abdullah made an application on October 25, 1958 for adjournment of the case to enable him to engage a counsel. In the course of his application Sheikh Abdullah said:

"I was heading the legally constituted Government during the most crucial period in the history of Kashmir from 1947 to 9th August 1953, when under a calculated plan, a conspiracy was hatched and executed and I was arrested and detained in execution of a *coup d' etat.* Now after over five years of my incarceration the main victim of this conspiracy is suddenly told by the very authors of the coup that he is the inspirer of a conspiracy. Distortion of history exposes tragic jokes and the case in hand is an instance in point. However, we shall hear more of it as matters develop."

* * * * * *

Eminent Advocates Imprisoned

"Talking about my defence, I find that most of my colleagues in the State who are eminent Advocates are behind the bars at the present moment. They have been involved in this case as also in the Hazratbal case and other cases. Those whom the powers that be, could not succeed to thus rope in, have been clapped in prison under the Preventive Detention Law. All of these colleagues have been suffering incarceration for years now. I have learnt since yesterday that most of the talented members of the bar both in Srinagar and Jammu, who could possibly take up my defence have already been engaged by the prosecution in the various cases mentioned above. Thus I can only look up for my defence from outside the State. Unfortunately for the last five years the atmosphere in India has considerably been vitiated. Pains have not been spared to stifle friendly voices wherever and whenever raised. Press and outstanding public men desirous to present the true story about Kashmir have been coerced into silence. Even a friend who was solely interested in securing legal help for the victims of the persecution in the various cases is now behind the bars. In such circumstances I can only make an attempt to depute a few friends from here to India in order to explore the possibility of securing proper defence counsel. Should it not, unfortunately, be

possible for them to persuade a proper defence counsel from India, I shall have to make an effort to arrange one from a foreign country. You will appreciate that all this would necessarily take some time."

Harassment of Friends

On October 28, 1958, Sheikh Mohammad Abdullah submitted the following application to the Special Magistrate complaining of harassment caused to friends and relatives trying to help him in his defence:

"In my previous application I have already expressed the extraordinary difficulties that I am facing in regard to my defence. I was, however, encouraged by your observation that you would give all facilities when I decided to defend myself in this case. Yesterday you were kind to say that permission would freely be given to any friend or relative who wanted to interview me and the other under-trials. You had further granted permission to Mr. Lateef, Advocate, and my nephew, Mr. Abdul Majeed.

"Mr. Abdul Majeed, had on his arrival from Srinagar, tried to interview me yesterday but was refused permission by the Jail authorities. He, however, interviewed me today for half an hour on your intervention. From him I learnt that considerable harassment has been spread amongst those who desire to help me in connection with my defence.

Balraj Puri Incident

"Mr. Om Saraf whom you had agreed to grant interview at my request has been denied permission. Far worse is the lost of my friend Mr. Balraj Puri who is very anxious to meet me. On 24th October 1958 he was dragged out of the court room and bodily thrown out. He was later detained in a room adjacent to the court. Yesterday he made a personal representation to you about this harassment in the court. I learnt that subsequently he tried to come to the Jail premises to seek an interviey. He was taken into a barrack near the Jail and given a severe beating in which he is reported to have received several injuries. I learnt that he had to seek medical aid subsequently and is in possession of a proper medical certificate.

"Mr. Om Saraf's attempts to meet me have so far failed and he has expressed grave apprehensions of meeting the same fate as Mr. Balraj Puri in case he persisted in his attempt to meet me.

Violation of Rule of Law

"I need not point out that this attitude on the part of the authorities is hardly consistent with the spirit of instructions that you gave in the court. To my mind, apart from being an unabashed contempt of court, this attitude constitutes wanton violatioin of rule of law. The trial is repeatedly said to be open and fair and this widespread harassment and hurdles

defeat the very spirit of a fair trial. It is an outright denial of my fundamental rights of defence. Should it be so, I would rather go without defence than be a cause of harassment to my friends and sympathisers.

"You as Judge will appreciate that for purpose of adequate defence arrangements frequent consultations with friends are necessary in order to cooperate with the Court for arriving at the truth. I hope you will kindly take appropriate steps to safeguard my rights in the ends of justice."

More Complaints

Two further communications regarding difficulties created in connection with his defence arrangements were addressed by Sheikh Mohammad Abdullah to the Special Magistrate on November 12, 1958 and December 15, 1958.

In his application, dated November 12, 1958, Sheikh Abdullah said: "I am once again constrained to draw your attention to the difficulties that are being created in connection with my defence arrangements. My previous application dated 25th October, 1958, on the subject must have given you some idea of these impediments and I shall feel grateful to know the action taken thereon.

"On the last hearing you gave an assurance that any friend or relative will be given permission to interview me, as and when required for my defence but unfortunately the Superintendent, Special Jail, takes the view that interviews can be granted only once a fortnight and that he was not bound to abide by the instructions of the court. After much persuasion, however, he allowed my nephew to interview me as a special concession. He was permitted to carry a few letters duly censored to some friends of mine in India whom I had requested for advice regarding my defence. Even in this a discrimination was made in the case of Pandit Jawaharlal Nehru and Dr. Radha Krishnan, letters to whom were insisted to be sent by post. The object of despatch of these letters through a courier was, besides expeditious delivery, to have the benefit of personal discussion with the addressees and smooth out the defence arrangements as quickly as possible. The insistence on the use of postal agency has defeated that purpose.

Jail Official's Insistence

"The Superintendent further insists the interview with friends and relatives must be held within his sight and hearing. You will appreciate that such interviews will defeat the very object as I shall be disclosing all my defence to the Superintendent, who is closely connected with the prosecuting agency and is virtually sub-ordinate to it. A colleague of mine has already suffered on this account.

"The basic trouble seems to arise out of the fact that for all practical purposes the jail administration is functioning under the Police, which is the prosecuting agency. Almost all our attendants within the jail and the staff outside it are regular members of the Police force, though about a fortnight back they had been nominally transferred to the Jail Department.

Court Atmosphere

"Even in the court-room the whole atmosphere is surcharged with Police—Police in uniform, Police in mufti, Central Reserve Police and members of Central Intelligence Bureau. There are, however, a few representatives of Press and just a sprinkling of common citizens. Apart from what happened to Mr. Balraj Puri in this court-room to which I drew your attention last time, the general public is being scared away by show of force. Thus that free and impartial atmosphere which is so vital for a judicial public enquiry of this nature is lacking.

"I have already conveyed to you my anxiety for full co-operation in this enquiry with a view to arrive at truth. That object can only be achieved by exercise of your influence and authority to safeguard in every manner an impartial and free atmosphere."

On December 15, 1958, Sheikh Mohammad Abdullah moved the Indian-held Kashmir High Court for transfer of the case to some other Magistrate as the Special Magistrate's "day to day conduct and the general attitude towards issues concerning the legal and constitutional rights of the accused has only promoted gravest and reasonable suspicions in the mind of the accused as to the fairness and impartiality of the enquiry by the said court".

The transfer application also contained Sheikh Abdullah's views on the question of accession and the reason of his differences with India which ultimately resulted in his dismissal and detention.

He said: "The accession of Jammu and Kashmir State to India is provisional subject to ratification in a free and impartial plebiscite. Unfortunately as the clash between India and Pakistan developed into an undeclared war the issue could not mutually be settled between them and it was, therefore, taken to the Security Council, where both parties to the dispute have agreed to settle the question of accession of Jammu and Kashmir State to either of the two countries through a free and impartial plebiscite under United Nations auspices. The Security Council resolutions of August, 1948 and January, 1949 register these agreements.

Oozing Sore

"In spite of these international commitments and the professed desire of both these countries to settle the issue peacefully, it remains unresolved

for the last eleven years, resulting in protracted agony to the people of the State and disruption of their economic, political and social life. Besides causing huge drain on the already depleted resources of the two countries—India and Pakistan—the Kashmir question remains an oozing sore festering the relations of the two neighbours and endangering even the World Peace.

"As a public worker charged with grave responsibility of the Jammu and Kashmir Government since the crises of 1947, upto 9th August 1953, he insisted on the Government of India for an early settlement of the issue in accordance with the commitments made by the parties. This was the beginning of the petitioner's differences with the Government of India."

Farce of a Trial

In his petition, Sheikh Mohammad Abdullah also gave facts showing the Special Magistrate's partiality towards the prosecution. These facts reveal the nature of the farce of a trial that is being enacted in the so-called Kashmir Conspiracy Case. Relevant extracts from the petition are reproduced below in spite of their length:

"18. The petitioner submits that the present Special Magistrate has shown himself as completely lacking in the fundamentals of fair justice and hence he is constrained to make this petition to this Honourable Court to transfer the case to another Magistrate of competent jurisdiction.

"19. The facts which have led to the petitioner's apprehension and belief that the learned Special Magistrate does not possess the necessary judicial courage to insist on a degree of independence and dignity of his court in order to enable him to deal fairly, impartially and justly with the case are these:

"(*i*) The learned Special Magistrate permits an inordinate show of force by the executive inside and outside the court, in spite of the petitioner's applications on record;

"(*ii*) The learned Special Magistrate allows the Police officials in uniform and mufti, the personnel of the Central Reserve Police and of the Central Intelligence Bureau to crowd the court almost to the exclusion of citizens, who desire to attend the case;

"(*iii*) The learned Special Magistrate has not taken any action so far against the Superintendent of the Special Jail refusing interview with the petitioner's friends;

"(*iv*) On 24th October, 1958 Shri Balraj Puri was dragged out of the court-room by the Police and later subjected to severe beating, when it was in the hands of the learned Magistrate

to prevent such manhandling and disturbance of the peace of the court.

Grave Apprehensions

"20. It is the further submission of the petitioner that the learned Special Magistrate's attitude towards the defence and his conduct in disposing of the objections raised by the accused have given rise to grave reasonable belief and apprehensions that the learned Magistrate.

"(*i*) Is prepossessed in his mind as regards the allegation however unfounded, made by the prosecution against the accused;

"(*ii*) He is eager to meet the prosecution point of view against all canons of justice and rules of procedure established by law;

"(*iii*) Is predisposed to interpret and apply law and facts to the detriment of the accused in complete disregard of the elementary principles of justice and good conscience.

Facts Justifying Apprehensions

"21. That the foregoing apprehensions, created in the mind of the accused, reasonable and justifiable as they are, are borne out by the facts hereinafter mentioned:

"(*i*) That on the very presentation of what is alleged to be a 'supplementary complaint', the learned Special Magistrate held that it was an 'off-shoot of the complaint against Mirza Mohammad Afzal Beg and others' without any regard to the offences alleged against him, in the so-called 'supplementary complaint'.

"(*ii*) The learned Special Magistrate presumed that the person named as 'Sheikh Abdullah' in the case against Mirza Mohammad Afzal Beg and others was identically the same as the petitioner named in the so-called 'supplementary complaint'.

"(*iii*) That although, there was no notification of the executive directing the petitioner's case to be enquired into by the learned Special Magistrate he assumed this function of the executive and conferred upon himself, the jurisdiction to entertain the said 'supplementary complaint'.

"(*iv*) That learned Special Magistrate entertained the said 'supplementary complaint on 23-10-58 when there was no hearing of the case and issued a non-bailable warrant against the petitioner for his presence in the court on 24-10-58 without any notice to the other accused although they were vitally to be prejudiced by his joinder as a co-accused in the case when there was no necessity for such undue haste on the part of

the learned Special Magistrate.

"(*v*) The learned Magistrate issued a non-bailable warrant of arrest against the petitioner in spite of the statement contained in the so-called 'supplementary complaint', 'that Sheikh Abdullah is at present under detention at Kud Sub-Jail by an order of the State Government under the Jammu and Kashmir Preventive Dentention Act' as though there was some risk of the petitioner's evading the process or absconding from the jurisdiction of the court. The issue of the non-bailable warrant, under the circumstances, indicates over-zealousness and prejudice in his mind to go to the extreme limits of the law as may be possible for him, even though most unnecessary.

Pro-Prosecution Actions

"22. That the learned Magistrate is eager and over-anxious to meet the prosecution point of view and goes out of his way to smooth out their procedural difficulties is evident from the facts set out below:

"(*i*) The Government notification No. IS/157 of 1958 dated 18-10-58 sanctioning the petitioner's prosecution under Section 196 Cr. P.C. directed the I.G.P. to start proceedings against the petitioner in a 'competent court of law' and further directed him to do so alongwith Mirza Mohammad Afzal Beg and others. The learned Magistrate, however, did not wait for a notification investing him with the necessary jurisdiction and entertained the supplementary complaint aforementioned.

"(*ii*) On 1-12-58 the senior counsel for prosecution Shri J. P. Mitter claimed the right of 'address to the court' against all rules of procedure and practice established by law. The petitioner learned that the prosecution had already distributed the copies of the said address to Press—both Indian and Foreign—obviously to give full publicity to fabricated and false allegations against the petitioner.

"(*iii*) The prosecution counsel Shri J.P. Mitter then said that he would 'unfold the facts of the case' as though there can be facts before they are held as facts by the court on proper and valid proof.

"(*iv*) The petitioner and the other accused thereupon objected to the 'address' by the prosecution counsel whereupon Shri J.P. Mitter claimed the right of audience under Section 208 CR. P.C. and further produced a booklet alleging that it was the

'opening address of the prosecution counsel in the Meerut Conspiracy Case'.

"(*v*) To this Mirza Mohammad Afzal Beg, one of the accused, who has decided to defend himself personally, once again drew the attention of the court to the inapplicability of Section 208 Cr. P.C. and that Section 207-A of the amended Cr. P.C. was applicable. This issue already raised and argued was then pending decision by the court.

"(*vi*) The obvious duty of the learned Magistrate was to decide first the issue of applicability or otherwise of Section 208 Cr.P.C. and to reject the booklet as proof of any fact in the absence of any proper and valid proof of the same.

"(*vii*) The learned Magistrate, on the contrary, did not address himself to the applicability or other wise of Section 208 of Cr.P.C. and further basing his order on the said booklet given him by the prosecution, straight away, gave the same interpretation to Section 208 Cr.P.C. as was given by Shri J. P. Mitter and upheld his right to 'unfold the facts of the case'.

"(*viii*) That in his order of 1-12-58 the learned Special Magistrate has noted that it was conceded that the complainant has right of the audience under Section 208 Cr.P.C. although none on behalf of the defence ever conceded such a right. On the contrary the accused and the defence counsel strongly opposed that so-called right.

"(*ix*) The petitioner was constrained to apply to Special Magistrate for staying the proceedings as he had lost all confidence in him and desired to move the appropriate court for transfer of the case from his file. The learned Magistrate, however, directed him to amend his application to the effect that he would move the Hon'ble High Court under Section 526 Cr.P.C. and thus forced upon him the forum of this Hon'ble Court prematurely and deprived him of his right to move the District Magistrate or the Sessions Judge in the first instance.

"23. That on 11-6-58 the learned Magistrate had directed the prosecution to produce the documents on which the prosecution relied but although the documents have not been placed on record till date, the learned Magistrate has tolerated this open non-compliance on the part of the prosecution and has shown extra indulgence to the prosecution counsel.

"24. (*i*) That the learned Magistrate has ordered that the documents and articles seized from Kumari Mridula Sarabhai and others will be taken over by Mr. Mehngi who is a Police officer, in-

charge of the prosecution, instead of keeping them under his own custody as is his obvious duty.

"(*ii*) That the list of seized documents and articles is very large and it is seriously prejudicial to the accused that they should have been passed over to the custody of the prosecution. The course adopted by the learned Magistrate is fraught with dangerous possibilities to the prejudice of the petitioner and the other accused. They are, therefore, justified in their serious apprehensions that documents might have been tampered with. Even more serious apprehensions of falsification of documents and introduction of incriminating materials amongst the seized articles cannot be ruled out.

More Partial Acts

"25. Other facts which have contributed to the loss of confidence in the learned Magistrate's impartiality and just and equitable attitude are as under:

"(*i*) At the request of the prosecution the court adjourned the hearing of 22-9-58 to 8-10-58 and from 8-10-58 to 24-10-58 and in spite of the insistence of the accused that the prosecution should not be freely granted adjournments, the court recorded in its interim order 'the accused have no objection'.

"(*ii*) That on the first hearing of the case in Jammu on 10-9-58 and on subsequent hearings the accused drew the attention of the learned Magistrate to the defect in the acoustics of the court-room. On account of this defect in audibility, the accused were often unable to hear the court and the other side. This was brought to the notice of the learned Magistrate but no mention of this was made in the interim orders of the court.

"(*iii*) The accused on coming to know of it, on 20-10-58 put a formal application requesting the Magistrate to kindly bring on record the pertinent submissions made by the accused during the hearings.

Unwarranted Accusations

"26. Finally, the petitioner would most humbly bring to the notice of this Honourable Court the unwarranted accusations of prosecution in trying to aggravate the case against the accused, to which the learned Magistrate does not put a stop, to the detriment of the accused, as would be seen from the following:

"(*i*) The prosecution on 12-11-58 filed an untenable application that the accused persons in the Hazratbal Case released on

bail and the followers of the accused in this case were tampering with prosecution witnesses of the present case, without any basis whatsoever, only to further justify the harassment of the accused and his relations by the Police. The learned Magistrate disposed of this application in a perfunctory manner although the accused implored him to give a finding on the allegations made in the application.

Gravest Suspicions

"27. The cumulative effect of the above facts has been:

"(*i*) That the learned Magistrate's general manner of conduct of enquiry as well as the disposal of issues raised before him have engendered strong feelings of grave apprehensions in the minds of the petitioner and the other accused that they will not receive a fair and impartial deal at his hands. Their confidence in getting even-handed justice so indispensible for judicial administration, has been shattered beyond repair. The learned Magistrate's day to day conduct and the general attitude towards issues concerning the legal and constitutional rights of the accused has only promoted gravest and reasonable suspicions in the mind of the accused as to the fairness and impartiality of the enquiry by the said court.

"(*ii*) That considerable injury and prejudice has been caused to the interest of the accused which is unwarranted by law and justice.

PRAYER

The petitioner prays.

"That after consideration of the explanation of the Special Magistrate and the facts set out above this Honourable Court be pleased to transfer the Criminal Case registered as Criminal File No. 1 of 1953 from the file of the learned Magistrate to any Magistrate of competent jurisdiction."

Judgment

Mr. Justice Syed Murtaza Fazl Ali, by a judgment delivered on January 22, 1959 dismissed Sheikh Mohammad Abdullah's petition and said: "On a careful consideration of the facts and the circumstances relied upon by the petitioner, I am of the opinion that the petitioner has not been able to establish that he has got a reasonable apprehension in his mind that he will not have a fair trial at the hands of the Magistrate."

Commenting on the 'trial' of Sheikh Mohammad Abdullah and others in this case, the THOUGHT, an Indian paper published in Delhi, said:

"Sheikh Abdullah alongwith others now faces trial on a charge of conspiracy covering the period between August, 1953 and the beginning of the year 1958. By any standard this is an extraordinarily long period. A conspiracy that went on unnoticed for so many years was obviously either an unusually dexterous contrivance or something impossible to be categorized as a conspiracy. Besides, some of the accused as well as Sheikh Abdullah were in prison for varying terms during this period."

"HAZRATBAL MURDER AND RIOTING CASE"

Sheikh Mohammad Abdullah, after his release on January 8, 1958, strongly demanded that the people of the State of Jammu and Kashmir should be given an opportunity to exercise their right of self-determination through a free and impartial plebiscite. In his public speeches and Press statements he also denounced the repressive measures of the Bakhshi regime against the freedom-fighters of Indian-held Kashmir. This, on the one hand, raised the spirits of the patriotic Kashmiris and on the other unnerved the Indian Government and its puppet administration in Occupied Kashmir.

A Plot

A plot was, therefore, hatched to give the freedom movement a bad name and a clash between the patriots and the workers of the ruling National Conference was engineered by the Bakhshi Government through its agents on February 21, 1958, shortly after a Friday congregation addressed by Sheikh Abdullah at Hazratbal. The motive behind this conspiracy was no doubt to find an excuse for pouncing upon the freedom-fighters.

The Opposition parties in Indian-held Kashmir, including the Plebiscite Front and the Kashmir Political Conference, had declared that they were not in any way connected with the clash at Hazratbal. They said that the peaceful citizens, who were returning after hearing Sheikh Abdullah's speech, were attacked by men of the Central Reserve Police and the so-called Peace Brigade in civilian clothes.

Nevertheless, top leaders and prominent workers of the patriotic political parties were arrested as a result of this episode. Hundreds of people were rounded up and taken to Police stations where they were subjcted to all kinds of indignities and often beaten mercilessly to break their spirit of freedom. The Police also arrested all the lawyers who had formed themselves into a Committee to defend the innocent victims of repression. Finally, 86 persons including three former Members of the Indian Parliament—Maulana Sayed Masoodi, Soofi Mohammad Akbar and

Mr. Ghulam Kadir Bhutt—and two former Deputy Ministers of Indian-held Kashmir—Khwaja Ali Shah and Mr. Ghulam Mohiuddin Hamdani—were sent up for trial on various charges including murder, rioting and arson in what is known as the "Hazratbal Murder and Rioting Case".

Some reports regarding the proceedings of this case published in the Indian Press are given below:

SOOFI AKBAR'S STATEMENT
"Political Motive" of Case
(From Our Correspondent)

"SRINAGAR, Sept. 22.—Soofi Mohammad Akbar, a former M.P., who is one of the 86 accused in the Hazratbal murder and rioting case, today denied all charges levelled by the prosecution against him.

"He was the first accused to give his statement before the Special Magistrate, Mr. N. K. Ganju, following the completion of prosecution evidence a few days ago.

"Replying to a question put by the court, Soofi Akbar said that the allegation that he was a member of an unlawful assembly formed to break up the National Conference meeting in Rajbagh on February 21 was totally baseless.

"Replying to another question he said that it was wholly untrue that he, Maulana Sayed, Ghulam Mohammad Chikan, G. M. Hamdani and others led an unlawful procession.

Differences with Ruling Party

"Asked by the court as to why the case had been launched against him, Soofi Akbar said he had 'political differences and political animosity' with the ruling National Conference Party.

"He said his main difference with the ruling party was on the question of the right of self-determination for Kashmiris".

"Soofi Akbar said that since it could not face its political opponents politically, constitutionally and democratically, the ruling party arrested them and involved them in false cases.

"In reply to another question Soofi Akbar said the prosecution witnesses were National Conference workers and were under the influence of the Government."

—The STATESMAN, Delhi,
September 23, 1958.

ACCUSED DENY CHARGES
Political Vendetta Alleged
(From Our Correspondent)

"SRINAGAR, Sept. 23.—Nine of the accused in the Hazratbal murder and rioting case, whose statements were recorded today by the Special

Magistrate, Mr. N. K. Ganju, denied the charges levelled by the prosecution against them.

"Mr. Mohammad Maqbool Qureshi, who is alleged to have stabbed a National Conference worker, Mohiuddin Banday, with the assistance of Lasa Chhan, pleaded alibi.

"He said he was the Vice-President of the Political Conference (Badgam branch) and had differences with the ruling National Conference party.

"Earlier, when the hearing of the case was resumed today Ghulam Anwar Bhutt, accused, while denying charges levelled by the prosecution against him, told the Special Magistrate in reply to a question that he was not present either at Rajbagh or in Onkaf building on February 21.

Paid Witnesses

"He alleged that prosecution witnesses were paid employees of the Government of the National Conference.

"While denying prosecution charges against him another accused, G.M. Hamdani, a former Deputy Minister, deposed that he was not present at Hazratbal on February 21, but offered *nimaz* at Shah Hamdan Mosque that day."

"Replying to another question, Hamdani said he supported the idea of self-determination for the people and believed in promoting 'true democracy.'

"While denying prosecution charges against him, Ghulam Rasool Karra, who admitted that he was a member of the Political Conference, said that there were ideological differences between the Political Conference and the ruling National Conference."

—The STATESMAN, Delhi,
September 25, 1958.

ACCUSED PLEAD ALIBI
Hazratbal Case
(From Our Correspondent)

"SRINAGAR, Oct. 4.—The Special Magistrate, Mr. N. K. Ganju, today recorded statements of six more accused in the Hazratbal murder and rioting case. While pleading Alibi accused Ghulam Mohammad Chikan, former Director of the Kashmir Valley Food Control Department, said in reply to court questions that he was never in the political life of Kashmir and that he was implicated in the present case because of the personal grudge and animosity several National Conference workers bore against him".

"A similar statement was made by Khwaja Ali Shah, former Deputy Minister and acting President of the Kashmir Plebiscite Front".

"Ghulam Rasool Koshak, who was exempted from attending the court, submitted a written statement pleading Alibi".

"Accused Moulana Mohammad Sayeed Masoodi, had not concluded his statement when the court adjourned till Monday."

—The STATESMAN, Delhi,
October 5, 1958.

HAZRATBAL CASE HEARING
Masoodi Completes Statement
(From Our Correspondent)

"SRINAGAR, Oct. 6.—With the completion of the statement by Maulana Mohammad Sayeed Masoodi, former Member of Parliament, the recording of statements of all the accused in the Hazratbal murder and rioting case ended today in the court of the Special Magistrate, Mr. N. K. Ganju".

"Counsel for the prosecution will begin his arguments tomorrow".

"Earlier in his statement Maulana Masoodi said in reply to a court question that he was present at Hazratbal on February 21, but had not visited Rajbagh for the last six years".

"Maulana Masoodi alleged that the case against him was launched because 'my friends who are in authority in Jammu and Kashmir are displeased with me'. He said that one of the reasons of this 'displeasure' was that he did not agree with those who stated that the Kashmir issue was no problem in the national and international spheres. 'The Kashmir issue is a reality and it is the duty of every Kashmiri to try to solve the question', he added."

—The STATESMAN, Delhi,
October 7, 1958.

68 SENT TO SESSIONS IN HAZRATBAL CASE
(From Our Correspondent)

"SRINAGAR, Oct. 20.—Sixty-eight of the 86 accused in the Hazratbal murder and riot case, including three former Kashmiri Members of Parliament—Maulana Syed Masoodi, Soofi Mohammad Akbar and Ghulam Kadir Bhutt—, and two former Deputy Ministers of the State—Khwaja Ali Shah and Ghulam Mohiuddin Hamdani—, were committed today by the Special Magistrate, Mr. N. K. Ganju, to the Sessions Court for trial on charge, of murder, loot, arson and rioting.

"The Special Magistrate discharged 18 accused for want of evidence."

—The INDIAN EXPRESS, Bombay,
October 21, 1958.

The following news-item published in the INDIAN EXPRESS, New Delhi, dated February 27, 1959, is typical of the manner in which the people standing trial in the so-called Kashmir Conspiracy Case and the

Hazratbal Murder and Rioting Case are deprived of the services of even their defence counsel:

PLEBISCITE FRONT CHIEF'S PROTEST

(From Our Staff Correspondent)

"SRINAGAR, Feb. 26.—The President of the Kashmir Plebiscite Front has sent telegrams to Prime Minister Jawaharlal Nehru, Bakhshi Ghulam Mohammad, State Premier, the Chief Justice of Kashmir, the I.G.P., Mr. G. M. Sadiq and Mr. Premnath Dogra, protesting against Mr. Abdul Ahad's arrest.

"Mr. Abdul Ahad is a defence counsel in the Kashmir Conspiracy Case. He was arrested on February 24 without any warrant of arrest, according to the telegram.

"It was alleged in the telegram that Mr. Ahad was beaten by the police and as a result, he received serious injuries.

"The Plebiscite Front President has demanded an impartial inquiry into the matter."

SAIFEE PRINTERS, PAKISTAN